

By Representative Meek

1                                   A bill to be entitled  
2           An act relating to itinerant merchants;  
3           defining "itinerant merchant;" requiring  
4           itinerant merchants to retain invoices or  
5           receipts on merchandise purchased or obtained  
6           for resale; specifying required information;  
7           authorizing law enforcement officers to request  
8           production of such information; providing a  
9           presumption of certain property being stolen;  
10          authorizing confiscation of such property under  
11          certain circumstances; providing for a sworn  
12          affidavit in lieu of certain information;  
13          providing penalties; providing an effective  
14          date.

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

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18           Section 1. (1) For the purpose of this section, an  
19 "itinerant merchant" means any person, as defined in s.  
20 212.02(12), Florida Statutes, who solicits, engages in,  
21 transacts or offers for sale any new or used merchandise  
22 either in one location or while traveling from place to place  
23 in this state. An itinerant merchant also means any person who  
24 does not intend to become or who does not become a permanent  
25 merchant at any one location and who, for the purpose of  
26 transacting such business, rents, hires, leases, occupies, or  
27 uses any building, structure, lot, tract, motor vehicle,  
28 sample case, display case, or any portion thereof, for the  
29 exhibition and sale of goods, wares, or merchandise. An  
30 itinerant merchant does not mean a person who occasionally  
31 sells tangible personal property from his place of residence

1 if the person does not hold himself out as engaged in business  
2 and if the person does not conduct more than five sales events  
3 per year.

4 (2)(a) An itinerant merchant shall retain an invoice  
5 or receipt for any merchandise purchased or obtained for  
6 resale. The invoice or receipt must have been issued by the  
7 person who sold the merchandise to the itinerant merchant. The  
8 invoice or receipt must specifically identify the merchandise  
9 by merchandise name, quantity purchased, date sold, and price  
10 and must contain the complete business name, business address,  
11 and description of the type of business operated by the person  
12 who sold the merchandise to the itinerant merchant. If the  
13 person who sold the merchandise to the itinerant merchant was  
14 an individual, the invoice or receipt must contain such  
15 person's driver's license number or a state-issued  
16 identification card number, the dates of issuance and  
17 expiration of the driver's license or identification card, and  
18 such person's date of birth.

19 (b) An itinerant merchant shall keep invoices or  
20 receipts required under paragraph (a) at the location where  
21 the merchandise is sold or offered for sale and shall retain  
22 such records for 1 year after the date the merchandise is  
23 sold.

24 (3)(a) If a law enforcement officer reasonably  
25 believes that merchandise sold or offered for sale by an  
26 itinerant merchant may have been stolen, the law enforcement  
27 officer has the authority to request the itinerant merchant to  
28 produce the invoice or receipt required under paragraph  
29 (2)(a). Failure to produce the invoice or receipt is prima  
30 facie evidence that the merchandise is stolen. If an itinerant  
31 merchant fails to produce such invoice or receipt, the law

1 enforcement officer may confiscate the merchandise until an  
2 invoice or receipt for such merchandise is provided.

3 (b) In lieu of an invoice or receipt that shows the  
4 source of merchandise, an itinerant merchant may provide a  
5 sworn affidavit that contains the information required to be  
6 contained in the invoice or receipt under paragraph (2)(a).

7 (4)(a) An itinerant merchant who violates any  
8 provision of subsection (2) commits a misdemeanor of the first  
9 degree, punishable as provided in s. 775.082 or s 775.083,  
10 Florida Statutes.

11 (b) An itinerant merchant who sells or offers for sale  
12 stolen merchandise commits the offense of dealing in stolen  
13 property, punishable as provided in s. 812.019, Florida  
14 Statutes.

15 Section 2. This act shall take effect July 1 of the  
16 year in which enacted.

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19 HOUSE SUMMARY

20 Defines "itinerant merchant" and requires itinerant  
21 merchants to retain invoices or receipts on merchandise  
22 purchased or obtained for resale. Specifies required  
23 information. Authorizes law enforcement officers to  
24 request production of receipts or invoices, presumes  
25 property to be stolen in the absence of such receipts or  
26 invoices and authorizes confiscation of such property.  
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