

By the Committee on Law Enforcement & Public Safety and
 Representatives Meek, Putnam, Roberts-Burke, Reddick, Futch,
 Chestnut and Valdes

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

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

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 16 Section 1. (1) For purposes of this section:
 17 (a) "Itinerant merchant" means any person, as defined
 18 in s. 212.02(12), Florida Statutes, who solicits, engages in,
 19 transacts or offers for sale any new or used merchandise in
 20 one location or while traveling from place to place in this
 21 state. An itinerant merchant also means any person who does
 22 not intend to become or who does not become a permanent
 23 merchant at any one location and who, for the purpose of
 24 transacting such business, rents, hires, leases, occupies, or
 25 uses any building, structure, lot, tract, motor vehicle,
 26 sample case, display case, or any portion thereof, for the
 27 exhibition and sale of goods, wares, or merchandise. For
 28 purposes of this section and chapter 212, Florida Statutes, an
 29 itinerant merchant is a retailer as defined in s. 212.02,
 30 Florida Statutes. The term "itinerant merchant" does not
 31 include any person who occasionally sells tangible personal

1 property from such person's place of residence if the person
2 does not hold himself or herself out as engaged in business
3 and if the person does not conduct more than five sales events
4 per year, any person who sells for future delivery by means of
5 samples, catalogs, or brochures, or any person who makes sales
6 presentations pursuant to a prior invitation issued by an
7 owner or legal occupant of a premises.

8 (b) "New merchandise" means goods or products sold at
9 wholesale by manufacturers or suppliers to established retail
10 stores for first-time purchase by consumers. New merchandise
11 does not include crafts or goods made by the seller or any
12 person in the seller's household or any farm, dairy, seafood,
13 or nursery products.

14 (2)(a) An itinerant merchant shall retain an invoice
15 or receipt for any new merchandise purchased or obtained for
16 resale. The invoice or receipt must have been issued by the
17 person who sold such merchandise to the itinerant merchant.
18 The invoice or receipt must specifically identify such
19 merchandise by merchandise name, quantity purchased, date
20 sold, and price and must contain the complete business name,
21 business address, and description of the type of business
22 operated by the person who sold such merchandise to the
23 itinerant merchant. If the person who sold the such
24 merchandise to the itinerant merchant was an individual, the
25 invoice or receipt must contain such person's driver's license
26 number or a state-issued identification card number, the dates
27 of issuance and expiration of the driver's license or
28 identification card, and such person's date of birth.

29 (b) An itinerant merchant shall keep invoices or
30 receipts required under paragraph (a) at the location where
31 the merchandise is sold or offered for sale and shall retain

1 such records for 1 year after the date the merchandise is
2 sold.
3 (3)(a) If a law enforcement officer reasonably
4 believes that merchandise sold or offered for sale by an
5 itinerant merchant may have been stolen, the law enforcement
6 officer has the authority to request the itinerant merchant to
7 produce the invoice or receipt required under paragraph
8 (2)(a). If an itinerant merchant fails to produce such invoice
9 or receipt, the law enforcement officer may confiscate the
10 merchandise until an invoice or receipt for such merchandise
11 is provided.
12 (b) In lieu of an invoice or receipt that shows the
13 source of merchandise, an itinerant merchant may provide a
14 sworn affidavit that contains the information required to be
15 contained in the invoice or receipt under paragraph (2)(a).
16 (4)(a) An itinerant merchant who violates any
17 provision of subsection (2) commits a misdemeanor of the first
18 degree, punishable as provided in s. 775.082 or s 775.083,
19 Florida Statutes.
20 (b) An itinerant merchant who sells or offers for sale
21 stolen merchandise commits the offense of dealing in stolen
22 property, punishable as provided in s. 812.019, Florida
23 Statutes.
24 Section 2. This act shall take effect July 1 of the
25 year in which enacted.
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