

By the Committee on Banking and Insurance and Senator Williams

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

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

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

538.03 Definitions; applicability.--

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

(g) "Secondhand goods" means personal property  
previously owned or used, which is not regulated metals  
property regulated under part II and which is purchased,  
consigned, or pawned as used property. Such secondhand goods  
shall be limited to watches; diamonds, gems, and other  
precious stones; fishing rods, reels, and tackle; audio and  
video electronic equipment, including television sets, compact  
disc players, radios, amplifiers, receivers, turntables, tape  
recorders; video tape recorders; speakers and citizens' band  
radios; computer equipment; radar detectors; depth finders;  
trolling motors; outboard motors; sterling silver flatware and  
serving pieces; photographic equipment, including cameras,  
video and film cameras, lenses, electronic flashes, tripods,  
and developing equipment; microwave ovens; animal fur coats;  
marine equipment; video games and cartridges; power lawn and  
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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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 382

Revises the definition of secondhand goods to specifically include golf clubs and exempts secondhand dealers from recordkeeping requirements only for sports equipment that does not have a serial number. Maintains the remaining regulatory provisions of part I of chapter 538, F.S., for those secondhand dealers.

Requires that secondhand goods transactions involving golf clubs and other sports equipment with a serial number to be subject to all of the provisions of part I, chapter 538, F.S., including the recordkeeping requirements.