

1 A bill to be entitled
2 An act relating to secondhand dealers; amending s. 538.03,
3 F.S.; revising definitions; revising applicability of ch.
4 538, F.S.; amending s. 538.04, F.S.; revising
5 recordkeeping requirements for secondhand dealers;
6 providing penalties for knowingly giving false
7 verification of ownership or a false or altered
8 identification, and for receiving money from a secondhand
9 dealer for goods sold, consigned, or traded if the value
10 of the money received is less than \$300, and if the value
11 of the money received is \$300 or more; providing for the
12 electronic transfer of secondhand dealer transactions
13 under specified circumstances; authorizing appropriate law
14 enforcement agencies to provide a secondhand dealer with a
15 computer and other equipment necessary to electronically
16 transfer secondhand dealer transactions; providing
17 procedures with respect to electronic transfer of
18 secondhand dealer transactions; amending s. 538.05, F.S.;
19 revising provisions relating to the inspection of records
20 and premises of secondhand dealers; amending s. 538.06,
21 F.S.; revising provisions with respect to the holding
22 period during which a secondhand dealer may not sell,
23 barter, exchange, alter, adulterate, utilize, or dispose
24 of secondhand goods; revising provisions with respect to
25 the holding of goods upon probable cause that the goods
26 are stolen; providing for payment of restitution,
27 attorney's fees, and costs to a secondhand dealer under
28 specified circumstances; increasing the time limit for

29 maintenance of transaction records by dealers in
 30 secondhand property; amending s. 538.07, F.S.; revising
 31 provisions relating to restitution for stolen property
 32 recovered from a secondhand dealer; amending s. 538.09,
 33 F.S.; revising provisions with respect to registration as
 34 a secondhand dealer; increasing the period of time during
 35 which a secondhand dealer must hold secondhand goods at a
 36 registered location; revising conditions under which
 37 registration may be denied, revoked, restricted, or
 38 suspended by the Department of Revenue; repealing s.
 39 538.16, F.S., relating to disposal of property by
 40 secondhand dealers; amending s. 516.02, F.S.; removing
 41 cross references; reenacting s. 790.335(3)(f), F.S., which
 42 provides a second degree felony penalty for any secondhand
 43 dealer who contracts with a specified third-party provider
 44 or electronically transmits certain records of firearms
 45 transactions to any third-party provider; providing an
 46 effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Section 538.03, Florida Statutes, is amended to
 51 read:

52 538.03 Definitions; applicability.--

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

54 (a) "Secondhand dealer" means any person, corporation, or
 55 other business organization or entity which is not a secondary
 56 metals recycler subject to part II and which is engaged in the

57 business of purchasing, consigning, or trading ~~pawning~~
 58 secondhand goods. ~~However, secondhand dealers are not limited to~~
 59 ~~dealing only in items defined as secondhand goods in paragraph~~
 60 ~~(g). Except as provided in subsection (2), the term means~~
 61 ~~pawnbrokers, jewelers, precious metals dealers, garage sale~~
 62 ~~operators, secondhand stores, and consignment shops.~~

63 (b) "Precious metals dealer" means a secondhand dealer who
 64 normally or regularly engages in the business of buying used
 65 precious metals for resale. The term does not include those
 66 persons involved in the bulk sale of precious metals from one
 67 secondhand or precious metals dealer to another.

68 ~~(c) "Pawnbroker" means any person, corporation, or other~~
 69 ~~business organization or entity which is regularly engaged in~~
 70 ~~the business of making pawns but does not include a financial~~
 71 ~~institution as defined in s. 655.005 or any person who regularly~~
 72 ~~loans money or any other thing of value on stocks, bonds, or~~
 73 ~~other securities.~~

74 ~~(d) "Pawn" means either of the following transactions:~~

75 1. ~~Loan of money. A written or oral bailment of personal~~
 76 ~~property as security for an engagement or debt, redeemable on~~
 77 ~~certain terms and with the implied power of sale on default.~~

78 2. ~~Buy-sell agreement. An agreement whereby a purchaser~~
 79 ~~agrees to hold property for a specified period of time to allow~~
 80 ~~the seller the exclusive right to repurchase the property. A~~
 81 ~~buy-sell agreement is not a loan of money.~~

82 ~~(c)(e)~~ "Secondhand store" means the place or premises at
 83 which a secondhand dealer is registered to conduct business as a
 84 secondhand dealer, or conducts business, ~~including pawn shops.~~

85 (d)~~(f)~~ "Consignment shop" means a shop engaging in the
 86 business of accepting for sale, on consignment, secondhand goods
 87 which, having once been used or transferred from the
 88 manufacturer to the dealer, are then received into the
 89 possession of a third party.

90 (e) "Acquire" means to obtain by purchase, consignment, or
 91 trade.

92 (f)~~(g)~~ "Secondhand goods" means personal property
 93 previously owned or used, which is not regulated metals property
 94 regulated under part II and which is purchased, consigned, or
 95 traded ~~pawned~~ as used property. Such secondhand goods shall not
 96 include office furniture, pianos, books, clothing, organs,
 97 coins, motor vehicles, costume jewelry, and secondhand sports
 98 equipment that is not permanently labeled with a serial number.
 99 For purposes of this paragraph, "secondhand sports equipment"
 100 does not include golf clubs. ~~be limited to watches; diamonds,~~
 101 ~~gems, and other precious stones; fishing rods, reels, and~~
 102 ~~tackle; audio and video electronic equipment, including~~
 103 ~~television sets, compact disc players, radios, amplifiers,~~
 104 ~~receivers, turntables, tape recorders; video tape recorders;~~
 105 ~~speakers and citizens' band radios; computer equipment; radar~~
 106 ~~detectors; depth finders; trolling motors; outboard motors;~~
 107 ~~sterling silver flatware and serving pieces; photographic~~
 108 ~~equipment, including cameras, video and film cameras, lenses,~~
 109 ~~electronic flashes, tripods, and developing equipment; microwave~~
 110 ~~ovens; animal fur coats; marine equipment; video games and~~
 111 ~~cartridges; power lawn and landscape equipment; office equipment~~
 112 ~~such as copiers, fax machines, and postage machines but~~

113 ~~excluding furniture; sports equipment; golf clubs; weapons,~~
 114 ~~including knives, swords, and air guns; telephones, including~~
 115 ~~cellular and portable; firearms; tools; calculators; musical~~
 116 ~~instruments, excluding pianos and organs; lawnmowers; bicycles;~~
 117 ~~typewriters; motor vehicles; gold, silver, platinum, and other~~
 118 ~~precious metals excluding coins; and jewelry, excluding costume~~
 119 ~~jewelry.~~

120 (g)~~(h)~~ "Transaction" means any purchase, consignment, or
 121 trade pawn of secondhand goods by a secondhand dealer.

122 (h)~~(i)~~ "Precious metals" means any item containing any
 123 gold, silver, or platinum, or any combination thereof,
 124 excluding:

125 ~~1.~~ any chemical or any automotive, photographic,
 126 electrical, medical, or dental materials or electronic parts.

127 ~~2.~~ Any coin with an intrinsic value less than its
 128 numismatic value.

129 ~~3.~~ Any gold bullion coin.

130 ~~4.~~ Any gold, silver, or platinum bullion that has been
 131 assayed and is properly marked as to its weight and fineness.

132 ~~5.~~ Any coin which is mounted in a jewelry setting.

133 (i)~~(j)~~ "Department" means the Department of Revenue.

134 ~~(k)~~ "Pledge" means pawn or buy-sell agreement.

135 (2) This chapter does not apply to:

136 (a) Any secondhand goods transaction involving an
 137 organization or entity registered with the state as a nonprofit,
 138 religious, or charitable organization or any school-sponsored
 139 association or organization other than a secondary metals
 140 recycler subject to the provisions of part II.

- 141 (b) A law enforcement officer acting in an official
- 142 capacity.
- 143 (c) A trustee in bankruptcy, executor, administrator, or
- 144 receiver who has presented proof of such status to the
- 145 secondhand dealer.
- 146 (d) Any public official acting under judicial process or
- 147 authority who has presented proof of such status to the
- 148 secondhand dealer.
- 149 (e) A sale on the execution, or by virtue of any process
- 150 issued by a court, if proof thereof has been presented to the
- 151 secondhand dealer.
- 152 (f) Any garage sale operator who holds garage sales less
- 153 than 10 weekends per year.
- 154 (g) Any person at antique, coin, or collectible shows or
- 155 sales.
- 156 (h) Any person who sells household personal property as an
- 157 agent for the property owner or their representative pursuant to
- 158 a written agreement at that person's residence.
- 159 (i) The purchase, consignment, or trade pawn of secondhand
- 160 goods from one secondhand dealer to another secondhand dealer
- 161 when the selling secondhand dealer has complied with the
- 162 requirements of this chapter.
- 163 (j) Any person accepting a secondhand good as a trade-in
- 164 for a similar item of greater value.
- 165 (k) Any person selling ~~purchasing~~, consigning, or trading
- 166 ~~pawning~~ secondhand goods at a flea market regardless of whether
- 167 at a temporary or permanent business location at the flea
- 168 market.

169 (l) Any auction business as defined in s. 468.382(1).

170 (m) Any business that is registered with the Department of
 171 Revenue for sales tax purposes as an antique dealer pursuant to
 172 chapter 212 and that purchases secondhand goods from the
 173 property owner or her or his representative at the property
 174 owner's residence pursuant to a written agreement that states
 175 the name, address, and telephone number of the property owner
 176 and the type of property purchased.

177 ~~(n) Any person purchasing, consigning, or pawning~~
 178 ~~secondhand goods ordered by mail, computer-assisted shopping,~~
 179 ~~media-assisted, media-facilitated, or media-solicited shopping~~
 180 ~~or shopping by other means of media communication, including,~~
 181 ~~but not limited to, direct mail advertising, unsolicited~~
 182 ~~distribution of catalogs, television, radio, or other electronic~~
 183 ~~media, telephone, magazine, or newspaper advertising, so long as~~
 184 ~~such person is in this state at the time of the order.~~

185 ~~(o) A motor vehicle dealer as defined in s. 320.27.~~

186 (3) This part does not apply to secondary metals recyclers
 187 regulated under part II, except for s. 538.11, which applies to
 188 both secondhand dealers and secondary metals recyclers.

189 Section 2. Section 538.04, Florida Statutes, is amended to
 190 read:

191 538.04 Recordkeeping requirements; penalties.--

192 (1) Secondhand dealers shall complete a secondhand dealers
 193 transaction form at the time of the actual transaction. A
 194 secondhand dealer shall maintain a copy of a completed
 195 transaction form on the registered premises for at least 1 year
 196 after the date of the transaction. However, the secondhand

197 dealer shall maintain a copy of the transaction form for a
 198 period of no less than 3 years. ~~Secondhand dealers shall~~
 199 ~~maintain records of all transactions of secondhand goods on the~~
 200 ~~premises.~~ Unless other arrangements have been agreed upon by the
 201 secondhand dealer and the appropriate law enforcement agency,
 202 the secondhand dealer shall, within 24 hours of the acquisition
 203 of any secondhand goods, ~~by purchase or pledge as security for a~~
 204 ~~loan, a secondhand dealer shall~~ deliver to the police department
 205 of the municipality where the goods were acquired ~~purchased~~ or,
 206 if the goods were acquired ~~purchased~~ outside of a municipality,
 207 to the sheriff's department of the county where the goods were
 208 acquired ~~purchased~~, a record of the transaction on a form
 209 approved by the Department of Law Enforcement. Such record shall
 210 contain:

- 211 (a) The time, date, and place of the transaction.
- 212 (b) A complete and accurate description of the goods
 213 acquired, including the following information, if applicable:
 214 ~~any serial numbers, manufacturer's numbers, or other identifying~~
 215 ~~marks or characteristics.~~
 - 216 1. Brand name.
 - 217 2. Model number.
 - 218 3. Manufacturer's serial number.
 - 219 4. Size.
 - 220 5. Color, as apparent to the untrained eye.
 - 221 6. Precious metal type, weight, and content if known.
 - 222 7. Gemstone description, including the number of stones,
 223 if applicable.

224 8. In the case of firearms, the type of action, caliber or
 225 gauge, number of barrels, barrel length, and finish.

226 9. Any other unique identifying marks, numbers, or
 227 letters.

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

230 1. Full name, current residential address, workplace, and
 231 home and work phone numbers.

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

234 3. The right thumbprint, free of smudges and smears, of
 235 the person from whom the goods were acquired.

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

238 (2) The secondhand dealer shall require verification of
 239 the identification by the exhibition of a government-issued
 240 photographic identification card such as a driver's license or
 241 military identification card. The record shall contain the type
 242 of identification exhibited, the issuing agency, and the number
 243 thereon.

244 (3) The seller shall sign a statement verifying that the
 245 seller is the rightful owner of the goods or is entitled to
 246 sell, consign, or trade ~~pledge~~ the goods.

247 (4) Any person who knowingly gives false verification of
 248 ownership or who gives a false or altered identification, and
 249 who receives money from a secondhand dealer for goods sold,
 250 consigned, or traded ~~pledged~~ commits:

251 (a) If the value of the money received is less than \$300,
252 a felony ~~misdemeanor~~ of the third ~~first~~ degree, punishable as
253 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

254 (b) If the value of the money received is \$300 or more, a
255 felony of the second ~~third~~ degree, punishable as provided in s.
256 775.082, s. 775.083, or s. 775.084.

257 (5) Secondhand dealers are exempt from the provisions of
258 this section for all transactions involving secondhand sports
259 equipment except secondhand sports equipment that is permanently
260 labeled with a serial number.

261 (6) If the appropriate law enforcement agency supplies a
262 secondhand dealer with appropriate software and the secondhand
263 dealer has computer capability, secondhand dealer transactions
264 shall be electronically transferred. If a secondhand dealer does
265 not have computer capability, the appropriate law enforcement
266 agency may provide the secondhand dealer with a computer and all
267 necessary equipment for the purpose of electronically
268 transferring secondhand dealer transactions. The appropriate law
269 enforcement agency shall retain ownership of the computer,
270 unless otherwise agreed upon. The secondhand dealer shall
271 maintain the computer in good working order, ordinary wear and
272 tear excepted. In the event the secondhand dealer transfers
273 secondhand dealer transactions electronically, the secondhand
274 dealer is not required to also deliver to the appropriate law
275 enforcement agency the original or copies of the secondhand
276 transaction forms. For the purpose of a criminal investigation,
277 the appropriate law enforcement agency may request that the
278 secondhand dealer produce an original of a transaction form that

279 has been electronically transferred. The secondhand dealer shall
 280 deliver this form to the appropriate law enforcement agency
 281 within 24 hours of the request.

282 (7) If the original transaction form is lost or destroyed
 283 by the appropriate law enforcement agency, a copy may be used by
 284 the secondhand dealer as evidence in court. When an electronic
 285 image of a customer's identification is accepted for a
 286 transaction, the secondhand dealer must maintain the electronic
 287 image in order to meet the recordkeeping requirements applicable
 288 to the original transaction form. If a criminal investigation
 289 occurs, the secondhand dealer shall, upon request, provide a
 290 clear and legible copy of the image to the appropriate law
 291 enforcement agency.

292 Section 3. Section 538.05, Florida Statutes, is amended to
 293 read:

294 538.05 Inspection of records and premises of secondhand
 295 dealers.--

296 (1) The entire registered premises and required records of
 297 each secondhand dealer are subject to inspection during regular
 298 business hours by any law enforcement officer with jurisdiction
 299 ~~the police department if the premises are located within a~~
 300 ~~municipality or, if located outside a municipality, by the~~
 301 ~~sheriff's department of the county in which the premises are~~
 302 ~~located, and by any state law enforcement officer who has~~
 303 ~~jurisdiction over the dealer.~~

304 (2) The inspection authorized by subsection (1) shall
 305 consist of an examination on the registered premises of the
 306 inventory and required records to determine whether the records

307 and inventory are being maintained on the registered premises as
 308 required by s. 538.04 and whether the holding period required by
 309 s. 538.06 is being complied with.

310 Section 4. Section 538.06, Florida Statutes, is amended to
 311 read:

312 538.06 Holding period.--

313 (1) A secondhand dealer shall not sell, barter, exchange,
 314 alter, adulterate, utilize, or in any way dispose of any
 315 secondhand goods within 30 ~~15~~ calendar days of the date of
 316 acquisition of the goods. ~~Such holding periods are not~~
 317 ~~applicable when the person known by the secondhand dealer to be~~
 318 ~~the person from whom the goods were acquired desires to redeem,~~
 319 ~~repurchase, or recover the goods, provided the dealer can~~
 320 ~~produce the record of the original transaction with verification~~
 321 ~~that the customer is the person from whom the goods were~~
 322 ~~originally acquired.~~

323 (2) A secondhand dealer must maintain actual physical
 324 possession of all secondhand goods throughout a transaction. It
 325 is unlawful for a secondhand dealer to accept title or any other
 326 form of security in secondhand goods in lieu of actual physical
 327 possession. A secondhand dealer who accepts title or any other
 328 form of security in secondhand goods in lieu of actual physical
 329 possession commits a misdemeanor of the first degree, punishable
 330 as provided in s. 775.082 or s. 775.083.

331 (3) Upon probable cause that goods held by a secondhand
 332 dealer are stolen, a law enforcement officer with jurisdiction
 333 may place a 90-day written hold order on the goods ~~extend the~~
 334 ~~holding period to a maximum of 60 days~~. However, the hold

335 ~~holding period~~ may be extended beyond 90 ~~60~~ days by a court of
 336 competent jurisdiction upon a finding of probable cause that the
 337 property is stolen and further holding is necessary for the
 338 purposes of trial or to safeguard such property. The dealer
 339 shall assume all responsibility, civil or criminal, relative to
 340 the property or evidence in question, including responsibility
 341 for the actions of any employee with respect thereto.

342 (4) While a hold order is in effect, the secondhand dealer
 343 must, upon request, release the property subject to the hold
 344 order to the custody of a law enforcement officer with
 345 jurisdiction for use in a criminal investigation. The release of
 346 the property to the custody of the law enforcement officer is
 347 not considered a waiver or release of the secondhand dealer's
 348 rights or interest in the property. Upon completion of the
 349 criminal proceeding, the property must be returned to the
 350 secondhand dealer unless the court orders other disposition.
 351 When such other disposition is ordered, the court shall
 352 additionally order the person from whom the secondhand dealer
 353 acquired the property to pay restitution to the secondhand
 354 dealer in the amount that the secondhand dealer paid for the
 355 property together with reasonable attorney's fees and costs.

356 (5)(4) All dealers in secondhand property regulated by
 357 this chapter shall maintain transaction records for 3 ~~5~~ years.

358 Section 5. Section 538.07, Florida Statutes, is amended to
 359 read:

360 538.07 Penalty for violation of chapter.--

361 (1) Except where otherwise provided herein, a person who
 362 knowingly violates any provision of this chapter commits a

363 misdemeanor of the first degree, punishable as provided in s.
 364 775.082 and by a fine not to exceed \$10,000.

365 (2) When the lawful owner recovers stolen property from a
 366 secondhand dealer and the person who sold or pledged the stolen
 367 property to the secondhand dealer is convicted of theft, a
 368 violation of this section, or dealing in stolen property, the
 369 court shall order the defendant to make restitution to either
 370 the secondhand dealer or the lawful owner as applicable pursuant
 371 to s. 775.089.

372 Section 6. Section 538.09, Florida Statutes, is amended to
 373 read:

374 538.09 Registration.--

375 (1) A secondhand dealer shall not engage in the business
 376 of purchasing, consigning, or trading ~~pawning~~ secondhand goods
 377 from any location without registering with the Department of
 378 Revenue. A fee equal to the federal and state costs for
 379 processing required fingerprints must be submitted to the
 380 department with each application for registration. One
 381 application is required for each dealer. If a secondhand dealer
 382 is the owner of more than one secondhand store location, the
 383 application must list each location, and the department shall
 384 issue a duplicate registration for each location. For purposes
 385 of subsections (4) and (5) of this section, these duplicate
 386 registrations shall be deemed individual registrations. A dealer
 387 shall pay a fee of \$6 per location at the time of registration
 388 and an annual renewal fee of \$6 per location on October 1 of
 389 each year. All fees collected, less costs of administration,
 390 shall be transferred into a trust fund to be established and

391 entitled the Secondhand Dealer and Secondary Metals Recycler
392 Clearing Trust Fund. The Department of Revenue shall forward the
393 full set of fingerprints to the Department of Law Enforcement
394 for state and federal processing, provided the federal service
395 is available, to be processed for any criminal justice
396 information as defined in s. 943.045. The cost of processing
397 such fingerprints shall be payable to the Department of Law
398 Enforcement by the Department of Revenue. The department may
399 issue a temporary registration to each location pending
400 completion of the background check by state and federal law
401 enforcement agencies, but shall revoke such temporary
402 registration if the completed background check reveals a
403 prohibited criminal background. An applicant for a secondhand
404 dealer registration must be a natural person who has reached the
405 age of 18 years.

406 (a) If the applicant is a partnership, all the partners
407 must apply.

408 (b) If the applicant is a joint venture, association, or
409 other noncorporate entity, all members of such joint venture,
410 association, or other noncorporate entity must make application
411 for registration as natural persons.

412 (c) If the applicant is a corporation, the registration
413 must include the name and address of such corporation's
414 registered agent for service of process in the state and a
415 certified copy of statement from the Secretary of State that the
416 corporation is duly organized in the state or, if the
417 corporation is organized in a state other than Florida, a
418 certified copy of statement from the Secretary of State that the

419 corporation is duly qualified to do business in this state. If
420 the dealer has more than one location, the application must list
421 each location owned by the same legal entity and the department
422 shall issue a duplicate registration for each location.

423 (2) The secondhand dealer shall furnish with her or his
424 registration a complete set of her or his fingerprints,
425 certified by an authorized law enforcement officer, and a recent
426 fullface photographic identification card of herself or himself.
427 The Department of Law Enforcement shall report its findings to
428 the Department of Revenue within 30 days after the date
429 fingerprint cards are submitted for criminal justice
430 information.

431 (3) The secondhand dealer's registration shall be
432 conspicuously displayed at her or his registered location
433 ~~principal place of business~~. A secondhand dealer must hold
434 secondhand goods at the registered location until 30 ~~15~~ days
435 after the secondhand transaction or until any extension of the
436 holding period has expired, whichever is later, ~~and must retain~~
437 ~~records of each transaction which is not specifically exempted~~
438 ~~by this chapter~~. A secondhand dealer shall not dispose of
439 ~~property at any location until the holding period has expired~~
440 ~~unless the transaction is specifically exempted by this chapter~~.

441 (4) The department may impose a civil fine of up to
442 \$10,000 for each violation of this section, which fine shall be
443 transferred into the General Revenue Fund. If the fine is not
444 paid within 60 days, the department may bring a civil action
445 under s. 120.69 to recover the fine.

446 (5) In addition to the fine provided in subsection (4),
 447 registration under this section may be denied or any
 448 registration granted may be revoked, restricted, or suspended by
 449 the department if the department determines that the applicant
 450 or registrant:

451 (a) Has violated any provision of this chapter or any rule
 452 or order made pursuant to this chapter;

453 (b) Has made a material false statement in the application
 454 for registration;

455 (c) Has been guilty of a fraudulent act in connection with
 456 any purchase or sale or has been or is engaged in or is about to
 457 engage in any practice, purchase, or sale which is fraudulent or
 458 in violation of the law;

459 (d) Has made a misrepresentation or false statement to, or
 460 concealed any essential or material fact from, any person in
 461 making any purchase or sale;

462 (e) Is making purchases or sales through any business
 463 associate not registered in compliance with the provisions of
 464 this chapter;

465 (f) Has, within the preceding 10-year ~~5-year~~ period, been
 466 convicted of, or has entered a plea of guilty or nolo contendere
 467 to, or had adjudication withheld for, a crime against the laws
 468 of this state or any other state or of the United States which
 469 relates to registration as a secondhand dealer or which involves
 470 theft, larceny, dealing in stolen property, receiving stolen
 471 property, burglary, embezzlement, obtaining property by false
 472 pretenses, possession of altered property, any felony drug

473 offense, any violation of s. 812.015, or any fraudulent ~~or~~
 474 ~~dishonest~~ dealing;

475 (g) Has had a final judgment entered against her or him in
 476 a civil action upon grounds of fraud, embezzlement,
 477 misrepresentation, or deceit; or

478 (h) Has failed to pay any sales tax owed to the Department
 479 of Revenue.

480

481 In the event the department determines to deny an application or
 482 revoke a registration, it shall enter a final order with its
 483 findings on the register of secondhand dealers and their
 484 business associates, if any; and denial, suspension, or
 485 revocation of the registration of a secondhand dealer shall also
 486 deny, suspend, or revoke the registration of such secondhand
 487 dealer's business associates.

488 (6) Upon the request of a law enforcement official, the
 489 Department of Revenue shall release to the official the name and
 490 address of any secondhand dealer registered to do business
 491 within the official's jurisdiction.

492 Section 7. Section 538.16, Florida Statutes, is repealed.

493 Section 8. Subsection (4) of section 516.02, Florida
 494 Statutes, is amended to read:

495 516.02 Loans; lines of credit; rate of interest;
 496 license.--

497 (4) This chapter does not apply to any person who does
 498 business under, and as permitted by, any law of this state or of
 499 the United States relating to banks, savings banks, trust
 500 companies, building and loan associations, credit unions, or

501 industrial loan and investment companies. ~~This chapter also does~~
 502 ~~not apply to title loans as defined in s. 538.03(1)(i) or pawns~~
 503 ~~as defined in s. 538.03(1)(d).~~ A pawnbroker may not be licensed
 504 to transact business under this chapter.

505 Section 9. For the purpose of incorporating the amendment
 506 to section 538.03, Florida Statutes, in a reference thereto,
 507 paragraph (f) of subsection (3) of section 790.335, Florida
 508 Statutes, is reenacted to read:

509 790.335 Prohibition of registration of firearms.--

510 (3) EXCEPTIONS.--The provisions of this section shall not
 511 apply to:

512 (f) Firearm records, including paper pawn transaction
 513 forms and contracts on firearm transactions, required by
 514 chapters 538 and 539.

515 1. Electronic firearm records held pursuant to chapter 538
 516 may only be kept by a secondhand dealer for 30 days after the
 517 date of the purchase of the firearm by the secondhand dealer.

518 2. Electronic firearm records held pursuant to chapter 539
 519 may only be kept by a pawnbroker for 30 days after the
 520 expiration of the loan that is secured by a firearm or 30 days
 521 after the date of purchase of a firearm, whichever is
 522 applicable.

523 3. Except as required by federal law, any firearm records
 524 kept pursuant to chapter 538 or chapter 539 shall not, at any
 525 time, be electronically transferred to any public or private
 526 entity, agency, business, or enterprise, nor shall any such
 527 records be copied or transferred for purposes of accumulation of
 528 such records into lists, registries, or databases.

529 4. Notwithstanding subparagraph 3., secondhand dealers and
530 pawnbrokers may electronically submit firearm transaction
531 records to the appropriate law enforcement agencies as required
532 by chapters 538 and 539; however, the law enforcement agencies
533 may not electronically submit such records to any other person
534 or entity and must destroy such records within 60 days after
535 receipt of such records.

536 5. Notwithstanding subparagraph 3., secondhand dealers and
537 pawnbrokers may electronically submit limited firearms records
538 consisting solely of the manufacturer, model, serial number, and
539 caliber of pawned or purchased firearms to a third-party private
540 provider that is exclusively incorporated, exclusively owned,
541 and exclusively operated in the United States and that restricts
542 access to such information to only appropriate law enforcement
543 agencies for legitimate law enforcement purposes. Such records
544 must be destroyed within 30 days by the third-party provider. As
545 a condition of receipt of such records, the third-party provider
546 must agree in writing to comply with the requirements of this
547 section. Any pawnbroker or secondhand dealer who contracts with
548 a third-party provider other than as provided in this act or
549 electronically transmits any records of firearms transactions to
550 any third-party provider other than the records specifically
551 allowed by this paragraph commits a felony of the second degree,
552 punishable as provided in s. 775.082 or s. 775.083.

553 Section 10. This act shall take effect July 1, 2005.