



371856

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	
	.	

---

---

The Committee on Commerce (Gelber) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (r) is added to subsection (2) of  
section 538.03, Florida Statutes, to read:

538.03 Definitions; applicability.—

(2) This chapter does not apply to:

(r) A business that contracts with other persons or  
entities to buy precious metals through an Internet website, the  
United States mail, or telemarketing if the business complies  
with all of the following requirements:

1. Pictures of the secondhand precious metals that are the



371856

14 subject of the transaction must be available online for  
15 electronic viewing via a website that is accessible by user name  
16 and password only by a law enforcement agency at no charge to  
17 the law enforcement agency. Additionally, the electronic files  
18 must be searchable by a law enforcement agency for queries  
19 concerning property description, business transaction  
20 information, and the seller's personal identification including  
21 address, state of residence, and zip code.

22 2. Records of the sale, purchase, consignment, or trade of  
23 precious metals must be maintained by the business for at least  
24 2 years after the date of the transaction.

25 3. The business must allow the appropriate law enforcement  
26 agency to inspect its business premises at any time during  
27 normal business hours.

28 4. Any payment by the business resulting from the sale,  
29 purchase, consignment, or trade of precious metals must be made  
30 to the person or entity by check direct to a lawful bank account  
31 or via a money services business licensed under part II of  
32 chapter 560.

33 5. The business must provide the appropriate law  
34 enforcement agency with an electronic copy of the name, address,  
35 phone number, driver's license number, or government-issued  
36 identification number, and issuing state of the person with whom  
37 the business contracted to purchase the precious metals.

38 6. The business must provide an accurate description of the  
39 precious metals, including the type of metal, or, if jewelry,  
40 the type of jewelry, and any unique identifying marks, numbers,  
41 names, or letters that may be on an item. The description must  
42 be in an electronic format agreed upon by the business and the



371856

43 appropriate law enforcement agency. This information must be  
44 provided within 24 hours after entering into the transaction or  
45 an agreed upon time by the business and the appropriate law  
46 enforcement agency.

47 7. The business shall require the seller to provide a sworn  
48 statement that the driver's license number or other government  
49 issued identification number and other identifying information  
50 provided by the seller is true and correct and that the seller  
51 is the rightful owner of the property and is authorized to sell  
52 the property. The business shall provide this information to the  
53 appropriate law enforcement agency upon the request of the law  
54 enforcement agency.

55 8. The business may not sell, barter, exchange, alter,  
56 adulterate, use, or in any way dispose of any of the seller's  
57 goods within 10 calendar days after the date payment is issued  
58 for acquisition of the precious metals.

59  
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62  
63 Delete everything before the enacting clause  
64 and insert:

65  
66 A bill to be entitled  
67 An act relating to secondhand dealers; amending s.  
68 538.03, F.S.; exempting a business that contracts to  
69 buy precious metals from the requirement that it be  
70 regulated as a secondhand dealer; specifying  
71 preconditions for the exemption from regulation;



371856

72 requiring that the business provide specified  
73 information to a law enforcement agency and retain the  
74 precious metals for a specified period after  
75 acquisition; providing an effective date.