

By the Committee on Community Affairs; and Senator Baker

578-02671-09

2009478c1

1 A bill to be entitled

2 An act relating to secondhand dealers and secondary
3 metals recyclers; amending s. 538.03, F.S.; excluding
4 exercise equipment from the definition of secondhand
5 goods; amending s. 538.21, F.S.; providing that the
6 procedures governing hold notices issued when a law
7 enforcement officer has reasonable cause to believe
8 that certain regulated metals in the possession of a
9 secondary metals recycler have been stolen are of
10 statewide application and that the state therefore
11 preempts municipal or county ordinances specifically
12 relating to secondary metals recyclers holding such
13 metals; providing an effective date.

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

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17 Section 1. Paragraph (f) of subsection (1) of section
18 538.03, Florida Statutes, is amended to read:

19 538.03 Definitions; applicability.—

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

21 (f) "Secondhand goods" means personal property previously
22 owned or used, which is not regulated metals property regulated
23 under part II and which is purchased, consigned, or traded as
24 used property. Such secondhand goods do not include office
25 furniture, pianos, books, clothing, organs, coins, motor
26 vehicles, costume jewelry, exercise equipment, and secondhand
27 sports equipment that is not permanently labeled with a serial
28 number. For purposes of this paragraph, "secondhand sports
29 equipment" does not include golf clubs.

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30 Section 2. Subsection (4) is added to section 538.21,
31 Florida Statutes, to read:

32 538.21 Hold notice.—

33 (4) This section provides uniform statewide procedures
34 governing hold notices and the state preempts municipal or
35 county ordinances specifically relating to secondary metals
36 recyclers holding such metals.

37 Section 3. This act shall take effect July 1, 2009.