

By the Committees on Commerce; and Community Affairs; and  
Senator Baker

577-04437-09

2009478c2

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 cardio and strength-training or conditioning equipment  
5 designed primarily for indoor use from the definition  
6 of secondhand goods; amending s. 538.21, F.S.;

7 providing that the procedures governing hold notices  
8 issued when a law enforcement officer has reasonable  
9 cause to believe that certain regulated metals in the  
10 possession of a secondary metals recycler have been  
11 stolen are of statewide application, and that the  
12 state therefore preempts municipal or county  
13 ordinances enacted after a specified date which  
14 specifically relate to secondary metals recyclers  
15 holding such metals; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Paragraph (f) of subsection (1) of section  
20 538.03, Florida Statutes, is amended to read:

21 538.03 Definitions; applicability.—

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

23 (f) "Secondhand goods" means personal property previously  
24 owned or used, which is not regulated metals property regulated  
25 under part II and which is purchased, consigned, or traded as  
26 used property. Such secondhand goods do not include office  
27 furniture, pianos, books, clothing, organs, coins, motor  
28 vehicles, costume jewelry, cardio and strength-training or  
29 conditioning equipment designed primarily for indoor use, and

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30 secondhand sports equipment that is not permanently labeled with  
31 a serial number. For purposes of this paragraph, "secondhand  
32 sports equipment" does not include golf clubs.

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

35 538.21 Hold notice.—

36 (4) This section provides uniform statewide procedures  
37 governing hold notices and the state preempts municipal or  
38 county ordinances enacted after December 31, 2008, which  
39 specifically relate to secondary metals recyclers holding such  
40 metals.

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