

By the Committees on Criminal Justice; Commerce; and Community Affairs; and Senators Baker and Lynn

591-05729-09

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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.

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

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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 October 1, 2009.