

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Passidomo offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 39-101 and insert:

5 permanently installed within a secure retail space and that has
6 the following technological functions:

7 1. Remotely monitored by a live representative during all
8 business operating hours;

9 2. Verification of a seller's identity by government-
10 issued photographic identification card;

11 3. Automated reading and recording of item serial numbers;

12 4. Ability to compare item serial numbers against
13 databases of stolen items;

14 5. Secure storage of goods accepted by the kiosk; and

427051

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Amendment No.

15 6. Capture and storage of images during the transaction.

16 (h) ~~(g)~~ "Secondhand dealer" means any person, corporation,
17 or other business organization or entity which is not a
18 secondary metals recycler subject to part II and which is
19 engaged in the business of purchasing, consigning, or trading
20 secondhand goods. The term includes any secondhand dealer
21 engaged in the business of purchasing secondhand goods by means
22 of an automated kiosk.

23 (i) ~~(h)~~ "Secondhand goods" means personal property
24 previously owned or used, which is not regulated metals property
25 regulated under part II and which is purchased, consigned, or
26 traded as used property. The term includes gift certificates and
27 credit memos as defined in s. 501.95 which are purchased,
28 consigned, or traded by a secondhand dealer. The term does ~~Such~~
29 ~~secondhand goods do~~ not include office furniture, pianos, books,
30 clothing, organs, coins, motor vehicles, costume jewelry, cardio
31 and strength training or conditioning equipment designed
32 primarily for indoor use, and secondhand sports equipment that
33 is not permanently labeled with a serial number. As used in ~~For~~
34 ~~purposes of this paragraph, the term "secondhand sports~~
35 ~~equipment" does not include golf clubs.~~

36 Section 2. Paragraphs (c) and (d) of subsection (1) of
37 section 538.04, Florida Statutes, are redesignated as paragraphs
38 (d) and (e), respectively, a new paragraph (c) is added to that
39 subsection, and subsection (8) is added to that section, to
40 read:

427051

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Amendment No.

41 538.04 Recordkeeping requirements; penalties.—

42 (1) A secondhand dealer shall complete a secondhand
43 dealers transaction form at the time of the actual transaction.
44 A secondhand dealer shall maintain a copy of a completed
45 transaction form on the registered premises for at least 1 year
46 after the date of the transaction. However, the secondhand
47 dealer shall maintain a copy of the transaction form for not
48 less than 3 years. Unless other arrangements are agreed upon by
49 the secondhand dealer and the appropriate law enforcement
50 official, the secondhand dealer shall, within 24 hours after
51 acquiring any secondhand goods, deliver to such official a
52 record of the transaction on a form approved by the Department
53 of Law Enforcement. Such record shall contain:

54 (c) Digital photographs of the goods, clearly showing the
55 items required to be included on the record as provided in
56 paragraph (b).

57 (8) When secondhand goods are purchased by means of an
58 automated kiosk, the serial number reported pursuant to this
59 section may be the International Mobile Station Equipment
60 Identity (IMEI), the mobile equipment identifier (MEID), or
61 another unique identifying number assigned to the device by the
62 manufacturer. If the IMEI, MEID, or other unique identifying
63 number is not available at the time of receipt or purchase, the
64 report filed pursuant to this section must be updated with the
65 IMEI, MEID, or other unique identifying number as soon as
66 possible, but no later than 10 business days after the date of

427051

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Amendment No.

67 acquisition. If such identifying numbers are not available at
68 the time of the transaction, the business shall assign another
69 unique identifier to the item which directly associates the item
70 to the transaction that it was purchased in. Upon entering or
71 updating any information on the transaction form, a law
72 enforcement official, as designated by the sheriff or the chief
73 of police of the jurisdiction in which the item was purchased,
74 must be timely notified in writing or by electronic means, as
75 required by the sheriff or chief of police of the jurisdiction.
76 If, upon receiving the device and correcting the missing
77 information, the company finds that the item was misappropriated
78 or stolen, the appropriate law enforcement official must be
79 notified. The holding requirements of ss. 538.06 and

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T I T L E A M E N D M E N T

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Remove lines 6-7 and insert:

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photographs of the items; requiring a different method

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of identification when certain numbers are not

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available; requiring secondhand dealers to notify a

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law enforcement official under certain circumstances;

427051

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