



458392

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2016	.	
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	.	
	.	

The Committee on Rules (Richter) recommended the following:

1 **Senate Substitute for Amendment (626212) (with title**
2 **amendment)**

3
4 Delete lines 38 - 100

5 and insert:

6 permanently installed within a secure retail space and that:

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

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

11 3. Performs automated reading and recording of item serial



12 numbers;

13 4. Compares item serial numbers against databases of stolen
14 items;

15 5. Securely stores goods accepted by the kiosk; and

16 6. Captures and stores images during the transaction.

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

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

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



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41 read:

42 538.04 Recordkeeping requirements; penalties.—

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

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

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



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70 unique identifier to the item which directly associates the item
71 with the transaction that it was purchased in. Upon entering or
72 updating any information on the transaction form, a law
73 enforcement official, as designated by the sheriff or the chief
74 of the jurisdiction in which the item was purchased, must be
75 timely notified in writing or by electronic means, as required
76 by the sheriff or chief of the jurisdiction. If, upon receiving
77 the device and correcting the missing information, the company
78 finds that the item was misappropriated or stolen, the
79 appropriate law enforcement official must be notified. The
80 holding requirements of s. 538.06 and s.

81
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 7

85 and insert:

86 number; requiring a different method of identification
87 when certain numbers are not available; requiring
88 secondhand dealers to notify a law enforcement
89 official under certain circumstances; providing that
90 certain holding requirements do