



626212

LEGISLATIVE ACTION

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

The Committee on Rules (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete lines 42 - 100

and insert:

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

3. Automated reading and recording of item serial numbers;

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

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

6. Capture and storage of images during the transaction.



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

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

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

37 538.04 Recordkeeping requirements; penalties.—

38 (1) A secondhand dealer shall complete a secondhand dealers
39 transaction form at the time of the actual transaction. A
40 secondhand dealer shall maintain a copy of a completed



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

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

53 (8) When secondhand goods are purchased by means of an
54 automated kiosk, the serial number reported pursuant to this
55 section may be the International Mobile Station Equipment
56 Identity (IMEI), the mobile equipment identifier (MEID), or
57 another unique identifying number assigned to the device by the
58 manufacturer. If the IMEI, MEID, or other unique identifying
59 number is not available at the time of receipt or purchase, the
60 report filed pursuant to this section must be updated with the
61 IMEI, MEID, or other unique identifying number as soon as
62 possible, but no later than 10 business days after the date of
63 acquisition. If such identifying numbers are not available at
64 the time of the transaction, the business shall assign another
65 unique identifier to the item which directly associates the item
66 to the transaction that it was purchased in. Upon entering or
67 updating any information on the transaction form, a law
68 enforcement official, as designated by the sheriff or the chief
69 of the jurisdiction in which the item was purchased, must be



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70 timely notified in writing or by electronic means, as required
71 by the sheriff or chief of the jurisdiction. If, upon receiving
72 the device and correcting the missing information, the company
73 finds that the item was misappropriated or stolen, the
74 appropriate law enforcement official must be notified. The
75 holding requirements of s. 538.06 and s.

76

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

78 And the title is amended as follows:

79 Delete line 7

80 and insert:

81 number; requiring a different method of identification
82 when certain numbers are not available; requiring
83 secondhand dealers to notify a law enforcement
84 official under certain circumstances; providing that
85 certain holding requirements do