

1 A bill to be entitled
2 An act relating to statewide data sharing of
3 secondhand dealer, secondary metals recycler, and
4 pawnbroker transactions; amending ss. 538.04, 538.19,
5 538.32, and 539.001, F.S.; requiring secondhand
6 dealers, secondary metals recyclers, and pawnbrokers
7 to transmit specified records to the Department of Law
8 Enforcement for the purpose of statewide data sharing;
9 providing an effective date.

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

12
13 **Section 1. Subsections (1), (6), and (8) of section**
14 **538.04, Florida Statutes, are amended to read:**

15 538.04 Recordkeeping requirements; penalties.—

16 (1) A secondhand dealer shall complete a secondhand
17 dealers transaction form at the time of the actual transaction.
18 A secondhand dealer shall maintain a copy of a completed
19 transaction form on the registered premises for at least 1 year
20 after the date of the transaction. However, the secondhand
21 dealer shall maintain a copy of the transaction form for not
22 less than 3 years. Unless other arrangements are agreed upon by
23 the secondhand dealer and the appropriate law enforcement
24 official, the secondhand dealer shall, within 24 hours after
25 acquiring any secondhand goods, deliver to such official and the

26 Department of Law Enforcement a record of the transaction on a
27 form approved by the Department of Law Enforcement for the
28 purpose of statewide data sharing. Such record must ~~shall~~
29 contain all of the following:

30 (a) The time, date, and place of the transaction.

31 (b) A complete and accurate description of the goods
32 acquired, including the following information, if applicable:

33 1. Brand name.

34 2. Model number.

35 3. Manufacturer's serial number.

36 4. Size.

37 5. Color, as apparent to the untrained eye.

38 6. Precious metal type, weight, and content if known.

39 7. Gemstone description, including the number of stones,
40 if applicable.

41 8. In the case of firearms, the type of action, caliber or
42 gauge, number of barrels, barrel length, and finish.

43 9. Any other unique identifying marks, numbers, or
44 letters.

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

48 (d) A description of the person from whom the goods were
49 acquired, including:

50 1. Full name, current residential address, workplace, and

51 | home and work phone numbers.

52 | 2. Height, weight, date of birth, race, gender, hair
53 | color, eye color, and any other identifying marks.

54 | 3. The right thumbprint, free of smudges and smears, of
55 | the person from whom the goods were acquired.

56 | (e) Any other information required by the form approved by
57 | the Department of Law Enforcement.

58 | (6) If the appropriate law enforcement official supplies a
59 | secondhand dealer with appropriate software and the secondhand
60 | dealer has computer capability, the secondhand dealer must
61 | electronically transmit secondhand dealer transactions required
62 | by this section to such official and the Department of Law
63 | Enforcement for the purpose of statewide data sharing. If a
64 | secondhand dealer does not have computer capability, the
65 | appropriate law enforcement official may provide the secondhand
66 | dealer with a computer and all equipment necessary to
67 | electronically transmit secondhand dealer transactions. The
68 | appropriate law enforcement official shall retain ownership of
69 | the computer, unless otherwise agreed upon, and the secondhand
70 | dealer shall maintain the computer in good working order, except
71 | for ordinary wear. A secondhand dealer who transmits secondhand
72 | dealer transactions electronically is not required to also
73 | deliver the original or paper copies of the secondhand
74 | transaction forms to the appropriate law enforcement official or
75 | the Department of Law Enforcement. However, such official may,

76 | for purposes of a criminal investigation, request the secondhand
77 | dealer to deliver the original transaction form that was
78 | electronically transmitted. The secondhand dealer shall deliver
79 | the form to the appropriate law enforcement official within 24
80 | hours after receipt of the request.

81 | (8) When secondhand goods are purchased by means of an
82 | automated kiosk, the serial number reported pursuant to this
83 | section may be the International Mobile Station Equipment
84 | Identity (IMEI), the mobile equipment identifier (MEID), or
85 | another unique identifying number assigned to the device by the
86 | manufacturer. If the IMEI, MEID, or other unique identifying
87 | number is not available at the time of receipt or purchase, the
88 | report filed pursuant to this section must be updated with the
89 | IMEI, MEID, or other unique identifying number as soon as
90 | possible, but no later than 10 business days after the date of
91 | acquisition. If such identifying numbers are not available at
92 | the time of the transaction, the business must ~~shall~~ assign
93 | another unique identifier to the item which directly associates
94 | the item to the transaction that it was purchased in. Upon
95 | entering or updating any information on the transaction form, a
96 | law enforcement official, as designated by the sheriff or the
97 | chief of police of the jurisdiction in which the item was
98 | purchased, must be timely notified in writing or by electronic
99 | means, as required by the sheriff or chief of police of the
100 | jurisdiction. If, upon receiving the device and correcting the

101 missing information, the company finds that the item was
102 misappropriated or stolen, the appropriate law enforcement
103 official and the Department of Law Enforcement must be notified.
104 The holding requirements of ss. 538.06 and 538.09(3) do not
105 begin until all required reports are complete and submitted to
106 the appropriate law enforcement official and the Department of
107 Law Enforcement.

108 **Section 2. Subsection (1) of section 538.19, Florida**
109 **Statutes, is amended to read:**

110 538.19 Records required; limitation of liability.—

111 (1) A secondary metals recycler shall maintain a legible
112 paper record of all purchase transactions to which such
113 secondary metals recycler is a party. A secondary metals
114 recycler shall also maintain a legible electronic record, in the
115 English language, of all such purchase transactions. The
116 appropriate law enforcement official may provide data
117 specifications regarding the electronic record format, but such
118 format must be approved by the Department of Law Enforcement. An
119 electronic record of a purchase transaction shall be
120 electronically transmitted to the appropriate law enforcement
121 official and the Department of Law Enforcement for the purpose
122 of statewide data sharing no later than 10 a.m. of the business
123 day following the date of the purchase transaction. The record
124 transmitted to the appropriate law enforcement official and the
125 Department of Law Enforcement must not contain the price paid

for the items. A secondary metals recycler who transmits such records electronically is not required to also deliver the original or paper copies of the transaction forms to the appropriate law enforcement official or the Department of Law Enforcement. However, such official may, for purposes of a criminal investigation, request the secondary metals recycler to make available the original transaction form that was electronically transmitted. This original transaction form must include the price paid for the items. The secondary metals recycler shall make the form available to the appropriate law enforcement official within 24 hours after receipt of the request.

Section 3. Subsections (3), (4), and (6) and paragraph (d) of subsection (7) of section 538.32, Florida Statutes, are amended to read:

538.32 Registration, transaction, and recordkeeping requirements; penalties.—

(3) For every transaction, the secondhand dealer shall ~~must~~ keep a record of the following:

(a) A complete and accurate description of the seller's goods, including:

1. Precious metal type, or, if jewelry, the type of jewelry.

2. Any other unique identifying marks, numbers, or letters. The description must be in an electronic format agreed

151 upon by the dealer and the appropriate law enforcement agency.

152 (b) The date that the seller's goods were received by the
153 mail-in secondhand precious metals dealer.

154
155 This information must be provided to the appropriate law
156 enforcement agency and the Department of Law Enforcement for the
157 purpose of statewide data sharing within 24 hours after entering
158 into the contract unless other arrangements are made between the
159 business and the law enforcement agency.

160 (4) For every transaction, pictures of the secondhand
161 goods which are the subject of the transaction must be available
162 online for electronic viewing, via a website accessible by
163 username and password only, by a law enforcement agency and the
164 Department of Law Enforcement at no charge. In addition, the
165 electronic files must be searchable by a law enforcement agency
166 for queries concerning property descriptions, secondhand dealer
167 transaction information, and the seller's personal
168 identification, including address, state of residence, and zip
169 code.

170 (6) The mail-in secondhand precious metals dealer shall
171 ~~must~~ provide the appropriate law enforcement agency and the
172 Department of Law Enforcement for the purpose of statewide data
173 sharing with an electronic copy of the name, address, phone
174 number, driver license number, or government-issued
175 identification number, and issuing state of the person from whom

the dealer purchased or acquired the precious metals or jewelry.

(7)

(d) Within 24 hours after the expiration of the 30-day hold period for the property, the secondhand dealer shall ~~must~~ notify the appropriate law enforcement agency and the Department of Law Enforcement of the abandonment of the property by electronic transmission or by sending a copy of the completed form authorized by chapter 717 to the Department of Financial Services, Division of Unclaimed Property.

Section 4. Paragraphs (a) and (b) of subsection (9) of section 539.001, Florida Statutes, are amended to read:

539.001 The Florida Pawnbroking Act.—

(9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

(a) A pawnbroker shall ~~must~~ maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least 1 year after the date of the transaction. On or before the end of each business day, the pawnbroker shall ~~must~~ deliver to the appropriate law enforcement official and the Department of Law Enforcement for the purpose of statewide data sharing the original printed pawnbroker transaction forms or printed copies of the digital pawnbroker transaction forms for each of the transactions occurring during the previous business day, unless other arrangements have been agreed upon between the pawnbroker and the appropriate law enforcement official. If an original printed transaction form is lost or destroyed by the

201 appropriate law enforcement official, a copy may be used by the
202 pawnbroker as evidence in court. When an electronic image of a
203 pledgor or seller identification is accepted for a transaction,
204 the pawnbroker must maintain the electronic image in order to
205 meet the same recordkeeping requirements as for the original
206 printed transaction form. If a criminal investigation occurs,
207 the pawnbroker must ~~shall~~, upon request, provide a clear and
208 legible copy of the image to the appropriate law enforcement
209 official.

210 (b) If the appropriate law enforcement agency supplies the
211 appropriate software and the pawnbroker presently has the
212 computer ability, pawn transactions must ~~shall~~ be electronically
213 transferred to the appropriate law enforcement official and the
214 Department of Law Enforcement for the purpose of statewide data
215 sharing. If a pawnbroker does not presently have the computer
216 ability, the appropriate law enforcement agency may provide the
217 pawnbroker with a computer and all necessary equipment for the
218 purpose of electronically transferring pawn transactions. The
219 appropriate law enforcement agency retains ~~shall retain~~
220 ownership of the computer, unless otherwise agreed upon. The
221 pawnbroker shall maintain the computer in good working order,
222 ordinary wear and tear excepted. In the event the pawnbroker
223 transfers pawn transactions electronically, the pawnbroker is
224 not required to also deliver to the appropriate law enforcement
225 official or the Department of Law Enforcement the original or

226 | copies of the pawnbroker transaction forms. The appropriate law
227 | enforcement official may, for the purposes of a criminal
228 | investigation, request that the pawnbroker produce an original
229 | of a printed transaction form that has been electronically
230 | transferred. The pawnbroker shall deliver this form to the
231 | appropriate law enforcement official within 24 hours of the
232 | request.

233 | **Section 5.** This act shall take effect July 1, 2026.