

By the Committee on Commerce and Tourism; and Senator Yarborough

577-02279-26

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A bill to be entitled  
An act relating to statewide data sharing of  
secondhand dealer and pawnbroker transactions;  
amending ss. 538.04, 538.19, 538.32, and 539.001,  
F.S.; revising the recordkeeping, transaction, and  
reporting requirements of certain secondhand dealers  
and pawnbrokers to be shared with the Department of  
Law Enforcement for the purpose of statewide data  
sharing of such records, transactions, and reports;  
providing an effective date.

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

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

538.04 Recordkeeping requirements; penalties.—

(1) A secondhand dealer shall complete a secondhand dealers  
transaction form at the time of the actual transaction. A  
secondhand dealer shall maintain a copy of a completed  
transaction form on the registered premises for at least 1 year  
after the date of the transaction. However, the secondhand  
dealer shall maintain a copy of the transaction form for not  
less than 3 years. Unless other arrangements are agreed upon by  
the secondhand dealer and the appropriate law enforcement  
official, the secondhand dealer shall, within 24 hours after  
acquiring any secondhand goods, deliver to such official and the  
Department of Law Enforcement a record of the transaction on a  
form approved by the Department of Law Enforcement for the  
purpose of statewide data sharing. Such record must ~~shall~~

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contain all of the following:

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

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

1. Brand name.

2. Model number.

3. Manufacturer's serial number.

4. Size.

5. Color, as apparent to the untrained eye.

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

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

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

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

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

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

1. Full name, current residential address, workplace, and home and work phone numbers.

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

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

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

(6) If the appropriate law enforcement official supplies a

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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 for the purpose of statewide  
76 data sharing. However, such official may, for purposes of a  
77 criminal investigation, request the secondhand dealer to deliver  
78 the original transaction form that was electronically  
79 transmitted. The secondhand dealer shall deliver the form to the  
80 appropriate law enforcement official and the Department of Law  
81 Enforcement within 24 hours after receipt of the request.

82 (8) When secondhand goods are purchased by means of an  
83 automated kiosk, the serial number reported pursuant to this  
84 section may be the International Mobile Station Equipment  
85 Identity (IMEI), the mobile equipment identifier (MEID), or  
86 another unique identifying number assigned to the device by the  
87 manufacturer. If the IMEI, MEID, or other unique identifying

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number is not available at the time of receipt or purchase, the report filed pursuant to this section must be updated with the IMEI, MEID, or other unique identifying number as soon as possible, but no later than 10 business days after the date of acquisition. If such identifying numbers are not available at the time of the transaction, the business must ~~shall~~ assign another unique identifier to the item which directly associates the item to the transaction that it was purchased in. Upon entering or updating any information on the transaction form, a law enforcement official, as designated by the sheriff or the chief of police of the jurisdiction in which the item was purchased, must be timely notified in writing or by electronic means, as required by the sheriff or chief of police of the jurisdiction. If, upon receiving the device and correcting the missing information, the company finds that the item was misappropriated or stolen, the appropriate law enforcement official and the Department of Law Enforcement must be notified. The holding requirements of ss. 538.06 and 538.09(3) do not begin until all required reports are complete and submitted to the appropriate law enforcement official and the Department of Law Enforcement for the purpose of statewide data sharing.

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

538.19 Records required; limitation of liability.—

(1) A secondary metals recycler shall maintain a legible paper record of all purchase transactions to which such secondary metals recycler is a party. A secondary metals recycler shall also maintain a legible electronic record, in the English language, of all such purchase transactions. The

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appropriate law enforcement official may provide data specifications regarding the electronic record format, but such format must be approved by the Department of Law Enforcement. An electronic record of a purchase transaction shall be electronically transmitted to the appropriate law enforcement official and the Department of Law Enforcement for the purpose of statewide data sharing no later than 10 a.m. of the business day following the date of the purchase transaction. The record transmitted to the appropriate law enforcement official and the 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 for the purpose of statewide data sharing. 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:

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

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

150 2. Any other unique identifying marks, numbers, or letters.  
151 The description must be in an electronic format agreed upon by  
152 the dealer and the appropriate law enforcement agency.

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

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

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

171 (6) The mail-in secondhand precious metals dealer shall  
172 ~~must~~ provide the appropriate law enforcement agency and the  
173 Department of Law Enforcement for the purpose of statewide data  
174 sharing with an electronic copy of the name, address, phone

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number, driver license number, or government-issued  
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  
appropriate law enforcement official, a copy may be used by the  
pawnbroker as evidence in court. When an electronic image of a

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pledgor or seller identification is accepted for a transaction, the pawnbroker must maintain the electronic image in order to meet the same recordkeeping requirements as for the original printed transaction form. If a criminal investigation occurs, the pawnbroker must ~~shall~~, upon request, provide a clear and legible copy of the image to the appropriate law enforcement official.

(b) If the appropriate law enforcement agency supplies the appropriate software and the pawnbroker presently has the computer ability, pawn transactions must ~~shall~~ be electronically transferred to the appropriate law enforcement official and the Department of Law Enforcement for the purpose of statewide data sharing. If a pawnbroker does not presently have the computer ability, the appropriate law enforcement agency may provide the pawnbroker with a computer and all necessary equipment for the purpose of electronically transferring pawn transactions. The appropriate law enforcement agency retains ~~shall retain~~ ownership of the computer, unless otherwise agreed upon. The pawnbroker shall maintain the computer in good working order, ordinary wear and tear excepted. In the event the pawnbroker transfers pawn transactions electronically, the pawnbroker is not required to also deliver to the appropriate law enforcement official or the Department of Law Enforcement the original or copies of the pawnbroker transaction forms. The appropriate law enforcement official may, for the purposes of a criminal investigation, request that the pawnbroker produce an original of a printed transaction form that has been electronically transferred. The pawnbroker shall deliver this form to the appropriate law enforcement official within 24 hours of the



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233 request.

234 Section 5. This act shall take effect July 1, 2026.