

**By** the Committee on Commerce and Tourism; and Senator Yarborough

577-02279-26

20261582c1

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

577-02279-26

20261582c1

30 contain all of the following:

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

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

34 1. Brand name.

35 2. Model number.

36 3. Manufacturer's serial number.

37 4. Size.

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

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

40 7. Gemstone description, including the number of stones, if  
41 applicable.42 8. In the case of firearms, the type of action, caliber or  
43 gauge, number of barrels, barrel length, and finish.

44 9. Any other unique identifying marks, numbers, or 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 color,  
53 eye color, and any other identifying marks.54 3. The right thumbprint, free of smudges and smears, of the  
55 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

577-02279-26

20261582c1

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

577-02279-26

20261582c1

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

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

111 538.19 Records required; limitation of liability.—

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

577-02279-26

20261582c1

117 appropriate law enforcement official may provide data  
118 specifications regarding the electronic record format, but such  
119 format must be approved by the Department of Law Enforcement. An  
120 electronic record of a purchase transaction shall be  
121 electronically transmitted to the appropriate law enforcement  
122 official and the Department of Law Enforcement for the purpose  
123 of statewide data sharing no later than 10 a.m. of the business  
124 day following the date of the purchase transaction. The record  
125 transmitted to the appropriate law enforcement official and the  
126 Department of Law Enforcement must not contain the price paid  
127 for the items. A secondary metals recycler who transmits such  
128 records electronically is not required to also deliver the  
129 original or paper copies of the transaction forms to the  
130 appropriate law enforcement official or the Department of Law  
131 Enforcement for the purpose of statewide data sharing. However,  
132 such official may, for purposes of a criminal investigation,  
133 request the secondary metals recycler to make available the  
134 original transaction form that was electronically transmitted.  
135 This original transaction form must include the price paid for  
136 the items. The secondary metals recycler shall make the form  
137 available to the appropriate law enforcement official within 24  
138 hours after receipt of the request.

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

142 538.32 Registration, transaction, and recordkeeping  
143 requirements; penalties.—

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

577-02279-26

20261582c1

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

577-02279-26

20261582c1

175 number, driver license number, or government-issued  
176 identification number, and issuing state of the person from whom  
177 the dealer purchased or acquired the precious metals or jewelry.

178 (7)

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

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

188 539.001 The Florida Pawnbroking Act.—

189 (9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

190 (a) A pawnbroker shall ~~must~~ maintain a copy of each  
191 completed pawnbroker transaction form on the pawnshop premises  
192 for at least 1 year after the date of the transaction. On or  
193 before the end of each business day, the pawnbroker shall ~~must~~  
194 deliver to the appropriate law enforcement official and the  
195 Department of Law Enforcement for the purpose of statewide data  
196 sharing the original printed pawnbroker transaction forms or  
197 printed copies of the digital pawnbroker transaction forms for  
198 each of the transactions occurring during the previous business  
199 day, unless other arrangements have been agreed upon between the  
200 pawnbroker and the appropriate law enforcement official. If an  
201 original printed transaction form is lost or destroyed by the  
202 appropriate law enforcement official, a copy may be used by the  
203 pawnbroker as evidence in court. When an electronic image of a

577-02279-26

20261582c1

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

211 (b) If the appropriate law enforcement agency supplies the  
212 appropriate software and the pawnbroker presently has the  
213 computer ability, pawn transactions must shall be electronically  
214 transferred to the appropriate law enforcement official and the  
215 Department of Law Enforcement for the purpose of statewide data  
216 sharing. If a pawnbroker does not presently have the computer  
217 ability, the appropriate law enforcement agency may provide the  
218 pawnbroker with a computer and all necessary equipment for the  
219 purpose of electronically transferring pawn transactions. The  
220 appropriate law enforcement agency retains shall retain  
221 ownership of the computer, unless otherwise agreed upon. The  
222 pawnbroker shall maintain the computer in good working order,  
223 ordinary wear and tear excepted. In the event the pawnbroker  
224 transfers pawn transactions electronically, the pawnbroker is  
225 not required to also deliver to the appropriate law enforcement  
226 official or the Department of Law Enforcement the original or  
227 copies of the pawnbroker transaction forms. The appropriate law  
228 enforcement official may, for the purposes of a criminal  
229 investigation, request that the pawnbroker produce an original  
230 of a printed transaction form that has been electronically  
231 transferred. The pawnbroker shall deliver this form to the  
232 appropriate law enforcement official within 24 hours of the

577-02279-26

20261582c1

233 request.

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