

Senate Bill No. 694

An act relating to secondhand dealers; amending s. 538.03, F.S.; revising definitions; revising the applicability of ch. 538, F.S.; exempting persons or entities offering secondhand goods or personal property for sale, purchase, consignment, or trade via the Internet from the provisions of ch. 538, F.S., under certain circumstances; exempting certain businesses that sell, rent, or trade motion picture videos or video games from ch. 538, F.S.; amending s. 538.04, F.S.; revising recordkeeping requirements for secondhand dealers; providing penalties for knowingly giving false verification of ownership or a false or altered identification, and for receiving money from a secondhand dealer for goods sold, consigned, or traded if the value of the money received is less than \$300, and if the value of the money received is \$300 or more; providing for the electronic transfer of secondhand dealer transactions under specified circumstances; authorizing appropriate law enforcement agencies to provide a secondhand dealer with a computer and other equipment necessary to electronically transfer secondhand dealer transactions; providing procedures with respect to the electronic transfer of secondhand dealer transactions; amending s. 538.05, F.S.; revising provisions relating to the inspection of records and premises of secondhand dealers; amending s. 538.06, F.S.; revising provisions with respect to the holding of goods upon probable cause that the goods are stolen; providing for payment of restitution, attorney's fees, and costs to a secondhand dealer under specified circumstances; increasing the time limit for maintenance of transaction records by dealers in secondhand property; amending s. 538.07, F.S.; revising provisions relating to restitution for stolen property recovered from a secondhand dealer; amending s. 538.09, F.S.; revising provisions with respect to registration as a secondhand dealer; revising conditions under which registration may be denied, revoked, restricted, or suspended by the Department of Revenue; repealing s. 538.16, F.S., relating to disposal of property by secondhand dealers; amending s. 516.02, F.S.; removing cross-references; reenacting s. 790.335(3)(f), F.S., which provides a second-degree-felony penalty for any secondhand dealer who contracts with a specified third-party provider or electronically transmits certain records of firearms transactions to any third-party provider; providing an effective date.

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

Section 1. Section 538.03, Florida Statutes, is amended to read:

538.03 Definitions; applicability.—

(1) As used in this part, the term:

(a) "Secondhand dealer" means any person, corporation, or other business organization or entity which is not a secondary metals recycler subject

to part II and which is engaged in the business of purchasing, consigning, or trading pawning secondhand goods. However, ~~secondhand dealers are not limited to dealing only in items defined as secondhand goods in paragraph (g). Except as provided in subsection (2), the term means pawnbrokers, jewelers, precious metals dealers, garage sale operators, secondhand stores, and consignment shops.~~

(b) “Precious metals dealer” means a secondhand dealer who normally or regularly engages in the business of buying used precious metals for resale. The term does not include those persons involved in the bulk sale of precious metals from one secondhand or precious metals dealer to another.

~~(c) “Pawnbroker” means any person, corporation, or other business organization or entity which is regularly engaged in the business of making pawns but does not include a financial institution as defined in s. 655.005 or any person who regularly loans money or any other thing of value on stocks, bonds, or other securities.~~

~~(d) “Pawn” means either of the following transactions:~~

1. ~~Loan of money.—A written or oral bailment of personal property as security for an engagement or debt, redeemable on certain terms and with the implied power of sale on default.~~

2. ~~Buy-sell agreement.—An agreement whereby a purchaser agrees to hold property for a specified period of time to allow the seller the exclusive right to repurchase the property. A buy-sell agreement is not a loan of money.~~

~~(c)(e) “Secondhand store” means the place or premises at which a secondhand dealer is registered to conduct business as a secondhand dealer, or conducts business, including pawn shops.~~

~~(d)(f) “Consignment shop” means a shop engaging in the business of accepting for sale, on consignment, secondhand goods which, having once been used or transferred from the manufacturer to the dealer, are then received into the possession of a third party.~~

~~(e) “Acquire” means to obtain by purchase, consignment, or trade.~~

~~(f)(g) “Secondhand goods” means personal property previously owned or used, which is not regulated metals property regulated under part II and which is purchased, consigned, or traded pawned as used property. Such secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry, and secondhand sports equipment that is not permanently labeled with a serial number. For purposes of this paragraph, “secondhand sports equipment” does not include golf clubs. shall be limited to watches; diamonds, gems, and other precious stones; fishing rods, reels, and tackle; audio and video electronic equipment, including television sets, compact disc players, radios, amplifiers, receivers, turntables, tape recorders; video tape recorders; speakers and citizens’ band radios; computer equipment; radar detectors; depth finders; trolling motors; outboard motors; sterling silver flatware and serving pieces; photographic~~

equipment, including cameras, video and film cameras, lenses, electronic flashes, tripods, and developing equipment; microwave ovens; animal fur coats; marine equipment; video games and cartridges; power lawn and landscape equipment; office equipment such as copiers, fax machines, and postage machines but excluding furniture; sports equipment; golf clubs; weapons, including knives, swords, and air guns; telephones, including cellular and portable; firearms; tools; calculators; musical instruments, excluding pianos and organs; lawnmowers; bicycles; typewriters; motor vehicles; gold, silver, platinum, and other precious metals excluding coins; and jewelry, excluding costume jewelry.

~~(g)~~(h) “Transaction” means any purchase, consignment, or trade pawn of secondhand goods by a secondhand dealer.

(h)~~(i)~~ “Precious metals” means any item containing any gold, silver, or platinum, or any combination thereof, excluding:

1. any chemical or any automotive, photographic, electrical, medical, or dental materials or electronic parts.

~~2. Any coin with an intrinsic value less than its numismatic value.~~

~~3. Any gold bullion coin.~~

~~4. Any gold, silver, or platinum bullion that has been assayed and is properly marked as to its weight and fineness.~~

~~5. Any coin which is mounted in a jewelry setting.~~

(i)~~(j)~~ “Department” means the Department of Revenue.

~~(k) “Pledge” means pawn or buy-sell agreement.~~

(2) This chapter does not apply to:

(a) Any secondhand goods transaction involving an organization or entity registered with the state as a nonprofit, religious, or charitable organization or any school-sponsored association or organization other than a secondary metals recycler subject to the provisions of part II.

(b) A law enforcement officer acting in an official capacity.

(c) A trustee in bankruptcy, executor, administrator, or receiver who has presented proof of such status to the secondhand dealer.

(d) Any public official acting under judicial process or authority who has presented proof of such status to the secondhand dealer.

(e) A sale on the execution, or by virtue of any process issued by a court, if proof thereof has been presented to the secondhand dealer.

(f) Any garage sale operator who holds garage sales less than 10 weekends per year.

- (g) Any person at antique, coin, or collectible shows or sales.
- (h) Any person who sells household personal property as an agent for the property owner or their representative pursuant to a written agreement at that person's residence.
- (i) The purchase, consignment, or ~~trade pawn~~ of secondhand goods from one secondhand dealer to another secondhand dealer when the selling secondhand dealer has complied with the requirements of this chapter.
- (j) Any person accepting a secondhand good as a trade-in for a similar item of greater value.
- (k) Any person purchasing, consigning, or ~~trading pawning~~ secondhand goods at a flea market regardless of whether at a temporary or permanent business location at the flea market.
- (l) Any auction business as defined in s. 468.382(1).
- (m) Any business that is registered with the Department of Revenue for sales tax purposes as an antique dealer pursuant to chapter 212 and that purchases secondhand goods from the property owner or her or his representative at the property owner's residence pursuant to a written agreement that states the name, address, and telephone number of the property owner and the type of property purchased.
- (n) A business that contracts with other persons or entities to offer its secondhand goods for sale, purchase, consignment, or trade via an Internet website, and that maintains a shop, store, or other business premises for this purpose, if all of the following apply:
1. The secondhand goods must be available on the website for viewing by the public at no charge;
 2. The records of the sale, purchase, consignment, or trade must be maintained for at least 2 years;
 3. The records of the sale, purchase, consignment, or trade, and the description of the secondhand goods as listed on the website, must contain the serial number of each item, if any;
 4. The secondhand goods listed on the website must be searchable based upon the state or zip code;
 5. The business must provide the appropriate law enforcement agency with the name or names under which it conducts business on the website;
 6. The business must allow the appropriate law enforcement agency to inspect its business premises at any time during normal business hours;
 7. Any payment by the business resulting from such a sale, purchase, consignment, or trade must be made to the person or entity with whom the business contracted to offer the goods and must be made by check or via a money transmitter licensed under part II of chapter 560; and

8.a. At least 48 hours after the estimated time of contracting to offer the secondhand goods, the business must verify that any item having a serial number is not stolen property by entering the serial number of the item into the Department of Law Enforcement's stolen article database located at the Florida Crime Information Center's public access system website. The business shall record the date and time of such verification on the contract covering the goods. If such verification reveals that an item is stolen property, the business shall immediately remove the item from any website on which it is being offered and notify the appropriate law enforcement agency; or

b. The business must provide the appropriate law enforcement agency with an electronic copy of the name, address, phone number, driver's license number, and issuing state of the person with whom the business contracted to offer the goods, as well as an accurate description of the goods, including make, model, serial number, and any other unique identifying marks, numbers, names, or letters that may be on an item, in a format agreed upon by the business and the appropriate law enforcement agency. This information must be provided to the appropriate law enforcement agency within 24 hours after entering into the contract unless other arrangements are made between the business and the law enforcement agency. Any person purchasing, consigning, or pawning secondhand goods ordered by mail, computer-assisted shopping, media-assisted, media-facilitated, or media-solicited shopping or shopping by other means of media communication, including, but not limited to, direct mail advertising, unsolicited distribution of catalogs, television, radio, or other electronic media, telephone, magazine, or newspaper advertising, so long as such person is in this state at the time of the order.

(o) Any person offering his or her own personal property for sale, purchase, consignment, or trade via an Internet website, or a person or entity offering the personal property of others for sale, purchase, consignment, or trade via an Internet website, when that person or entity does not have, and is not required to have, a local occupational or business license for this purpose.

(p) A business whose primary business is the sale, rental, or trade of motion picture videos or video games, if the business:

1. Requires the sellers of secondhand goods to have a current account with the business;

2. Has on file in a readily accessible format the name, current residential address, home and work telephone numbers, government-issued identification number, place of employment, date of birth, gender, and right thumbprint of each seller of secondhand goods;

3. Purchases secondhand goods from the property owner or his or her representative at the place of business pursuant to an agreement in writing and signed by the property owner which describes the property purchased, states the date and time of the purchase, and states that the seller is the lawful owner of the property;

4. Retains such purchase agreements for not less than 1 year; and

5. Pays for the purchased property in the form of a store credit that is issued to the seller and is redeemable solely by the seller or another authorized user of the seller's account with that business.

(q)(~~o~~) A motor vehicle dealer as defined in s. 320.27.

(3) This part does not apply to secondary metals recyclers regulated under part II, except for s. 538.11, which applies to both secondhand dealers and secondary metals recyclers.

Section 2. Section 538.04, Florida Statutes, is amended to read:

538.04 Recordkeeping requirements; penalties.—

(1) Secondhand dealers 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 have been agreed upon by the secondhand dealer and the appropriate law enforcement agency, the secondhand dealer shall, Secondhand dealers shall maintain records of all transactions of secondhand goods on the premises, within 24 hours after of the acquisition of any secondhand goods, by purchase or pledge as security for a loan, a secondhand dealer shall deliver to the police department of the municipality where the goods were acquired purchased or, if the goods were acquired purchased outside of a municipality, to the sheriff's department of the county where the goods were acquired purchased, a record of the transaction on a form approved by the Department of Law Enforcement. Such record shall contain:

(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: ~~any serial numbers, manufacturer's numbers, or other identifying marks or characteristics.~~

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) 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.

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

(2) The secondhand dealer shall require verification of the identification by the exhibition of a government-issued photographic identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon.

(3) The seller shall sign a statement verifying that the seller is the rightful owner of the goods or is entitled to sell, consign, or trade ~~pledge~~ the goods.

(4) Any person who knowingly gives false verification of ownership or who gives a false or altered identification, and who receives money from a secondhand dealer for goods sold, consigned, or traded ~~pledged~~ commits:

(a) If the value of the money received is less than \$300, a ~~felony~~ misdemeanor of the ~~third~~ first degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(b) If the value of the money received is \$300 or more, a felony of the ~~second~~ third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Secondhand dealers are exempt from the provisions of this section for all transactions involving secondhand sports equipment except secondhand sports equipment that is permanently labeled with a serial number.

(6) If the appropriate law enforcement agency supplies a secondhand dealer with appropriate software and the secondhand dealer has computer capability, secondhand dealer transactions shall be electronically transferred. If a secondhand dealer does not have computer capability, the appropriate law enforcement agency may provide the secondhand dealer with a computer and all necessary equipment for the purpose of electronically transferring secondhand dealer transactions. The appropriate law enforcement agency shall retain ownership of the computer, unless otherwise agreed upon. The secondhand dealer shall maintain the computer in good working order, ordinary wear and tear excepted. If the secondhand dealer transfers secondhand dealer transactions electronically, the secondhand dealer is not required to also deliver to the appropriate law enforcement

agency the original or copies of the secondhand transaction forms. For the purpose of a criminal investigation, the appropriate law enforcement agency may request that the secondhand dealer produce an original of a transaction form that has been electronically transferred. The secondhand dealer shall deliver this form to the appropriate law enforcement agency within 24 hours after the request.

(7) If the original transaction form is lost or destroyed by the appropriate law enforcement agency, a copy may be used by the secondhand dealer as evidence in court. When an electronic image of a customer's identification is accepted for a transaction, the secondhand dealer must maintain the electronic image in order to meet the recordkeeping requirements applicable to the original transaction form. If a criminal investigation occurs, the secondhand dealer shall, upon request, provide a clear and legible copy of the image to the appropriate law enforcement agency.

Section 3. Section 538.05, Florida Statutes, is amended to read:

538.05 Inspection of records and premises of secondhand dealers.—

(1) ~~The entire registered premises and required records of each secondhand dealer are subject to inspection during regular business hours by any law enforcement officer having jurisdiction the police department if the premises are located within a municipality or, if located outside a municipality, by the sheriff's department of the county in which the premises are located, and by any state law enforcement officer who has jurisdiction over the dealer.~~

(2) The inspection authorized by subsection (1) shall consist of an examination on the registered premises of the inventory and required records to determine whether the records and inventory are being maintained on the registered premises as required by s. 538.04 and whether the holding period required by s. 538.06 is being complied with.

Section 4. Section 538.06, Florida Statutes, is amended to read:

538.06 Holding period.—

(1) A secondhand dealer shall not sell, barter, exchange, alter, adulterate, use, or in any way dispose of any secondhand goods within 15 calendar days of the date of acquisition of the goods. Such holding periods are not applicable when the person known by the secondhand dealer to be the person from whom the goods were acquired desires to redeem, repurchase, or recover the goods, provided the dealer can produce the record of the original transaction with verification that the customer is the person from whom the goods were originally acquired.

(2) A secondhand dealer must maintain actual physical possession of all secondhand goods throughout a transaction. It is unlawful for a secondhand dealer to accept title or any other form of security in secondhand goods in lieu of actual physical possession. A secondhand dealer who accepts title or any other form of security in secondhand goods in lieu of actual physical possession commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Upon probable cause that goods held by a secondhand dealer are stolen, a law enforcement officer with jurisdiction may place a 90-day written hold order on the goods ~~extend the holding period to a maximum of 60 days~~. However, the hold holding period may be extended beyond 90 ~~60~~ days by a court of competent jurisdiction upon a finding of probable cause that the property is stolen and further holding is necessary for the purposes of trial or to safeguard such property. The dealer shall assume all responsibility, civil or criminal, relative to the property or evidence in question, including responsibility for the actions of any employee with respect thereto.

(4) While a hold order is in effect, the secondhand dealer must, upon request, release the property subject to the hold order to the custody of a law enforcement officer with jurisdiction for use in a criminal investigation. The release of the property to the custody of the law enforcement officer is not considered a waiver or release of the secondhand dealer's rights or interest in the property. Upon completion of the criminal proceeding, the property must be returned to the secondhand dealer unless the court orders other disposition. When such other disposition is ordered, the court shall additionally order the person from whom the secondhand dealer acquired the property to pay restitution to the secondhand dealer in the amount that the secondhand dealer paid for the property together with reasonable attorney's fees and costs.

~~(5)~~(4) All dealers in secondhand property regulated by this chapter shall maintain transaction records for 3 ~~5~~ years.

Section 5. Section 538.07, Florida Statutes, is amended to read:

538.07 Penalty for violation of chapter.—

(1) Except where otherwise provided herein, a person who knowingly violates any provision of this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 and by a fine not to exceed \$10,000.

(2) When the lawful owner recovers stolen property from a secondhand dealer and the person who sold or pledged the stolen property to the secondhand dealer is convicted of theft, a violation of this section, or dealing in stolen property, the court shall order the defendant to make restitution to the secondhand dealer or the lawful owner, as applicable pursuant to s. 775.089.

Section 6. Section 538.09, Florida Statutes, is amended to read:

538.09 Registration.—

(1) A secondhand dealer shall not engage in the business of purchasing, consigning, or ~~trading~~ ~~pawning~~ secondhand goods from any location without registering with the Department of Revenue. A fee equal to the federal and state costs for processing required fingerprints must be submitted to the department with each application for registration. One application is required for each dealer. If a secondhand dealer is the owner of more than one secondhand store location, the application must list each location, and the

department shall issue a duplicate registration for each location. For purposes of subsections (4) and (5) of this section, these duplicate registrations shall be deemed individual registrations. A dealer shall pay a fee of \$6 per location at the time of registration and an annual renewal fee of \$6 per location on October 1 of each year. All fees collected, less costs of administration, shall be transferred into a trust fund to be established and entitled the Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund. The Department of Revenue shall forward the full set of fingerprints to the Department of Law Enforcement for state and federal processing, provided the federal service is available, to be processed for any criminal justice information as defined in s. 943.045. The cost of processing such fingerprints shall be payable to the Department of Law Enforcement by the Department of Revenue. The department may issue a temporary registration to each location pending completion of the background check by state and federal law enforcement agencies, but shall revoke such temporary registration if the completed background check reveals a prohibited criminal background. An applicant for a secondhand dealer registration must be a natural person who has reached the age of 18 years.

(a) If the applicant is a partnership, all the partners must apply.

(b) If the applicant is a joint venture, association, or other noncorporate entity, all members of such joint venture, association, or other noncorporate entity must make application for registration as natural persons.

(c) If the applicant is a corporation, the registration must include the name and address of such corporation's registered agent for service of process in the state and a certified copy of statement from the Secretary of State that the corporation is duly organized in the state or, if the corporation is organized in a state other than Florida, a certified copy of statement from the Secretary of State that the corporation is duly qualified to do business in this state. If the dealer has more than one location, the application must list each location owned by the same legal entity and the department shall issue a duplicate registration for each location.

(2) The secondhand dealer shall furnish with her or his registration a complete set of her or his fingerprints, certified by an authorized law enforcement officer, and a recent fullface photographic identification card of herself or himself. The Department of Law Enforcement shall report its findings to the Department of Revenue within 30 days after the date fingerprint cards are submitted for criminal justice information.

(3) The secondhand dealer's registration shall be conspicuously displayed at her or his registered location ~~principal place of business~~. A secondhand dealer must hold secondhand goods at the registered location until 15 days after the secondhand transaction or until any extension of the holding period has expired, whichever is later, ~~and must retain records of each transaction which is not specifically exempted by this chapter~~. ~~A secondhand dealer shall not dispose of property at any location until the holding period has expired unless the transaction is specifically exempted by this chapter.~~

(4) The department may impose a civil fine of up to \$10,000 for each violation of this section, which fine shall be transferred into the General Revenue Fund. If the fine is not paid within 60 days, the department may bring a civil action under s. 120.69 to recover the fine.

(5) In addition to the fine provided in subsection (4), registration under this section may be denied or any registration granted may be revoked, restricted, or suspended by the department if the department determines that the applicant or registrant:

(a) Has violated any provision of this chapter or any rule or order made pursuant to this chapter;

(b) Has made a material false statement in the application for registration;

(c) Has been guilty of a fraudulent act in connection with any purchase or sale or has been or is engaged in or is about to engage in any practice, purchase, or sale which is fraudulent or in violation of the law;

(d) Has made a misrepresentation or false statement to, or concealed any essential or material fact from, any person in making any purchase or sale;

(e) Is making purchases or sales through any business associate not registered in compliance with the provisions of this chapter;

(f) Has, within the preceding ~~10-year~~ 5-year period for new registrants who apply for registration on or after October 1, 2006, been convicted of, or has entered a plea of guilty or nolo contendere to, or had adjudication withheld for, a crime against the laws of this state or any other state or of the United States which relates to registration as a secondhand dealer or which involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, any felony drug offense, any violation of s. 812.015, or any fraudulent ~~or dishonest~~ dealing;

(g) Has had a final judgment entered against her or him in a civil action upon grounds of fraud, embezzlement, misrepresentation, or deceit; or

(h) Has failed to pay any sales tax owed to the Department of Revenue.

In the event the department determines to deny an application or revoke a registration, it shall enter a final order with its findings on the register of secondhand dealers and their business associates, if any; and denial, suspension, or revocation of the registration of a secondhand dealer shall also deny, suspend, or revoke the registration of such secondhand dealer's business associates.

(6) Upon the request of a law enforcement official, the Department of Revenue shall release to the official the name and address of any secondhand dealer registered to do business within the official's jurisdiction.

Section 7. Section 538.16, Florida Statutes, is repealed.

Section 8. Subsection (4) of section 516.02, Florida Statutes, is amended to read:

516.02 Loans; lines of credit; rate of interest; license.—

(4) This chapter does not apply to any person who does business under, and as permitted by, any law of this state or of the United States relating to banks, savings banks, trust companies, building and loan associations, credit unions, or industrial loan and investment companies. ~~This chapter also does not apply to title loans as defined in s. 538.03(1)(i) or pawns as defined in s. 538.03(1)(d).~~ A pawnbroker may not be licensed to transact business under this chapter.

Section 9. For the purpose of incorporating the amendment to section 538.03, Florida Statutes, in a reference thereto, paragraph (f) of subsection (3) of section 790.335, Florida Statutes, is reenacted to read:

790.335 Prohibition of registration of firearms.—

(3) EXCEPTIONS.—The provisions of this section shall not apply to:

(f) Firearm records, including paper pawn transaction forms and contracts on firearm transactions, required by chapters 538 and 539.

1. Electronic firearm records held pursuant to chapter 538 may only be kept by a secondhand dealer for 30 days after the date of the purchase of the firearm by the secondhand dealer.

2. Electronic firearm records held pursuant to chapter 539 may only be kept by a pawnbroker for 30 days after the expiration of the loan that is secured by a firearm or 30 days after the date of purchase of a firearm, whichever is applicable.

3. Except as required by federal law, any firearm records kept pursuant to chapter 538 or chapter 539 shall not, at any time, be electronically transferred to any public or private entity, agency, business, or enterprise, nor shall any such records be copied or transferred for purposes of accumulation of such records into lists, registries, or databases.

4. Notwithstanding subparagraph 3., secondhand dealers and pawnbrokers may electronically submit firearm transaction records to the appropriate law enforcement agencies as required by chapters 538 and 539; however, the law enforcement agencies may not electronically submit such records to any other person or entity and must destroy such records within 60 days after receipt of such records.

5. Notwithstanding subparagraph 3., secondhand dealers and pawnbrokers may electronically submit limited firearms records consisting solely of the manufacturer, model, serial number, and caliber of pawned or purchased firearms to a third-party private provider that is exclusively incorporated, exclusively owned, and exclusively operated in the United States and that restricts access to such information to only appropriate law enforcement agencies for legitimate law enforcement purposes. Such records must

be destroyed within 30 days by the third-party provider. As a condition of receipt of such records, the third-party provider must agree in writing to comply with the requirements of this section. Any pawnbroker or second-hand dealer who contracts with a third-party provider other than as provided in this act or electronically transmits any records of firearms transactions to any third-party provider other than the records specifically allowed by this paragraph commits a felony of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. This act shall take effect October 1, 2006.

Approved by the Governor June 13, 2006.

Filed in Office Secretary of State June 13, 2006.