

By Senator Smith

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1 A bill to be entitled
2 An act relating to secondhand precious metals;
3 providing definitions; prohibiting a secondhand
4 precious metals dealer from conducting business
5 without meeting certain registration requirements;
6 prohibiting a secondhand precious metals dealer from
7 remitting payment without receiving specified
8 information from the seller; providing an effective
9 date.

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

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13 Section 1. Secondhand precious metals stores.-

14 (1) As used in this section, the term:

15 (a) "Jewelry" means a personal ornament that contains
16 precious metals and may contain gemstones.

17 (b) "Precious metals" means any item containing any gold,
18 silver, or platinum, or any combination thereof.

19 (c) "Secondhand precious metals dealer" means any person or
20 entity that conducts business within this state and regularly
21 engages in the practice of purchasing jewelry or precious metals
22 through a transaction at a physical store location in exchange
23 for cash.

24 (d) "Seller" means any person or entity offering precious
25 metals or jewelry for purchase which belong solely to that
26 person or entity and which that person or entity has absolute
27 authority to sell.

28 (e) "Transaction" includes any event relating to the
29 purchase of secondhand precious metals or jewelry by a

31-01208-13

20131460__

30 secondhand precious metals dealer.

31 (2) A secondhand precious metals dealer may not conduct
32 business under this section without registering with the
33 Department of Revenue and complying with all registration
34 requirements provided under s. 538.09, Florida Statutes.

35 (3) A secondhand precious metals dealer may not remit
36 payment to a seller unless the seller has provided the following
37 information:

38 (a) The seller's name, address, telephone number, and e-
39 mail address.

40 (b) The seller's driver license number or other government-
41 issued identification number.

42 (c) A sworn statement made by the seller that the seller is
43 of lawful age and that the driver license number or other
44 government-issued identification number and other identifying
45 information provided by the seller is true and correct and that
46 the seller is the lawful owner of the goods with absolute
47 authority to sell the goods. The statement must include the
48 following language: "I declare under penalty of perjury that the
49 foregoing is true and correct."

50 (4) For every transaction, the secondhand precious metals
51 dealer must maintain a record of the following:

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

54 1. Precious metal type, and, if jewelry, the type of
55 jewelry.

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

31-01208-13

20131460__

59 (b) The date that the seller's goods were received by the
60 secondhand precious metals dealer.

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62 The information in this subsection must be provided to the
63 appropriate law enforcement agency within 24 hours after
64 entering into the contract unless other arrangements are made
65 between the business and the law enforcement agency.

66 Section 2. This act shall take effect July 1, 2013.