

HB 1047

2015

1 A bill to be entitled
2 An act relating to secondhand dealers; amending s.
3 538.06, F.S.; requiring a law enforcement officer with
4 jurisdiction to place a specified written hold order
5 on certain goods; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsection (3) of section 538.06, Florida
10 Statutes, is amended, and subsection (4) of that section is
11 republished, to read:

12 538.06 Holding period.—

13 (3) Upon probable cause that goods held by a secondhand
14 dealer are stolen, a law enforcement officer with jurisdiction
15 shall ~~may~~ place a 90-day written hold order on the goods subject
16 to the court's disposition under subsection (4). However, the
17 hold may be extended beyond 90 days by a court of competent
18 jurisdiction upon a finding of probable cause that the property
19 is stolen and further holding is necessary for the purposes of
20 trial or to safeguard such property. The dealer shall assume all
21 responsibility, civil or criminal, relative to the property or
22 evidence in question, including responsibility for the actions
23 of any employee with respect thereto.

24 (4) While a hold order is in effect, the secondhand dealer
25 must, upon request, release the property subject to the hold
26 order to the custody of a law enforcement officer with

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27 | jurisdiction for use in a criminal investigation. The release of
28 | the property to the custody of the law enforcement officer is
29 | not considered a waiver or release of the secondhand dealer's
30 | rights or interest in the property. Upon completion of the
31 | criminal proceeding, the property must be returned to the
32 | secondhand dealer unless the court orders other disposition.
33 | When such other disposition is ordered, the court shall
34 | additionally order the person from whom the secondhand dealer
35 | acquired the property to pay restitution to the secondhand
36 | dealer in the amount that the secondhand dealer paid for the
37 | property together with reasonable attorney's fees and costs.

38 | Section 2. This act shall take effect July 1, 2015.