

27 dealers transaction form at the time of the actual transaction.
 28 A secondhand dealer shall maintain a copy of a completed
 29 transaction form on the registered premises for at least 1 year
 30 after the date of the transaction. However, the secondhand
 31 dealer shall maintain a copy of the transaction form for not
 32 less than 3 years. Unless other arrangements are agreed upon by
 33 the secondhand dealer and the appropriate law enforcement
 34 official, the secondhand dealer shall, within 24 hours after
 35 acquiring any secondhand goods, deliver to such official a
 36 record of the transaction on a form approved by the Department
 37 of Law Enforcement. Such record shall contain:

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

41 Section 2. Subsection (1) of section 538.06, Florida
 42 Statutes, is amended to read:

43 538.06 Holding period.—

44 (1) (a) A secondhand dealer shall not sell, barter,
 45 exchange, alter, adulterate, use, or in any way dispose of any
 46 secondhand good that is:

47 1. A precious metal, a gemstone, jewelry, an antique
 48 furnishing, fixture, or decorative object, or an item of art as
 49 defined in s. 686.501 within 30 calendar days after the date on
 50 which the good was acquired.

51 2. Not described in subparagraph 1. ~~goods~~ within 15
 52 calendar days ~~of~~ after the date on which the good was acquired

53 ~~of acquisition of the goods.~~

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55 Such holding periods are not applicable when the person known by
 56 the secondhand dealer to be the person from whom the goods were
 57 acquired desires to redeem, repurchase, or recover the goods,
 58 provided the dealer can produce the record of the original
 59 transaction with verification that the customer is the person
 60 from whom the goods were originally acquired.

61 (b) As used in this subsection, the term "antique" means
 62 the item is at least 30 years old and has special value because
 63 of its age.

64 Section 3. Section 538.08, Florida Statutes, is amended to
 65 read:

66 538.08 Stolen goods; complaint ~~petition~~ for return.-

67 (1) If the secondhand dealer contests the identification,
 68 ~~or~~ ownership, or right of possession of the property, the person
 69 alleging ownership or right of possession of the property may,
 70 provided that a timely report of the theft of the goods was made
 71 to the proper authorities, bring an action for replevin in the
 72 county or circuit court. The complaint may be ~~by petition~~ in
 73 substantially the following form:

74 Plaintiff A. B. sues defendant C. D., and alleges:

75 1. This is an action to recover possession of personal
 76 property in County, Florida.

77 2. The description of the property is: ...(list
 78 property).... To the best of plaintiff's knowledge, information,

79 and belief, the value of the property is \$.....

80 3. Plaintiff is the lawful owner of the property or is
 81 entitled to ~~the~~ possession of the property under a security
 82 agreement dated, ...(year)..., a copy of which is
 83 attached.

84 4. To plaintiff's best knowledge, information, and belief,
 85 the property is located at

86 5. The property is wrongfully detained by defendant.
 87 Defendant came into possession of the property by ...(describe
 88 method of possession).... To plaintiff's best knowledge,
 89 information, and belief, defendant detains the property because
 90 ...(give reasons)....

91 6. The property has not been taken under an execution or
 92 attachment against plaintiff's property.

93 (2) The filing fees shall be waived by the clerk of the
 94 court, and the service fees shall be waived by the sheriff. The
 95 court shall award the prevailing party attorney ~~attorney's~~ fees
 96 and costs. In addition, when the filing party prevails in the
 97 replevin action, the court shall order payment of filing fees to
 98 the clerk and service fees to the sheriff.

99 (3) Upon the filing of the complaint ~~petition~~, the court
 100 shall set a hearing to be held at the earliest possible time.
 101 The claimant is entitled to the summary procedure provided in s.
 102 51.011. Upon ~~the~~ receipt of the complaint ~~a petition for a writ~~
 103 ~~by a secondhand dealer~~, the secondhand dealer shall hold the
 104 property at issue until the court determines the respective

105 interests of the parties.

106 (4) In addition to the civil complaint ~~petition~~ for return
 107 remedy, the state may file a motion as part of a pending
 108 criminal case related to the property. The criminal court has
 109 jurisdiction to determine ownership, ~~to~~ order return or other
 110 disposition of the property, and ~~to~~ order ~~any~~ appropriate
 111 restitution to any person. Such order shall be entered upon
 112 hearing after proper notice has been given to the secondhand
 113 dealer, the victim, and the defendant in the criminal case.

114 (5) A secondhand dealer commits a noncriminal violation,
 115 punishable pursuant to s. 775.083 by a fine of up to \$2,500, if:

116 (a) The owner or lienor who prevailed in the replevin
 117 action made a written demand for return of the property and
 118 provided proof of ownership or proof of the right of possession
 119 to the secondhand dealer at least five calendar days before
 120 filing the replevin action;

121 (b) The secondhand dealer knew or should have known based
 122 on the proof provided under paragraph (a) that the property
 123 belonged to the owner or lienor; and

124 (c) The secondhand dealer did not file an action for
 125 interpleader to determine conflicting claims to the property.

126 Section 4. This act shall take effect July 1, 2016.