

By Senator Campbell

33-1337-98

See HB

1 A bill to be entitled

2 An act relating to pawnbroking and secondhand

3 dealers; amending s. 539.001, F.S.; revising

4 recordkeeping requirements for pawnbrokers to

5 provide that the sheriff or the director of the

6 department of public safety is designated as

7 the central repository for copies of all

8 pawnbroker transaction forms collected by the

9 appropriate law enforcement official in the

10 county; providing for submission of pawnbroker

11 transaction forms to the sheriff or public

12 safety director upon request; amending s.

13 538.04, F.S.; providing for electronic transfer

14 of transactions of secondhand goods;

15 authorizing the appropriate law enforcement

16 agency to provide a secondhand dealer with a

17 computer and necessary equipment for the

18 electronic transfer of transactions of

19 secondhand goods; providing procedures with

20 respect to the electronic transfer of

21 transactions of secondhand goods; amending s.

22 812.022, F.S.; revising provisions relating to

23 evidence of theft or dealing in stolen

24 property; providing an effective date.

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

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28 Section 1. Paragraph (a) of subsection (9) of section

29 539.001, Florida Statutes, is amended to read:

30 539.001 The Florida Pawnbroking Act.--

31 (9) RECORDKEEPING; REPORTING; HOLD PERIOD.--

1 (a) A pawnbroker must maintain a copy of each
2 completed pawnbroker transaction form on the pawnshop premises
3 for at least 1 year after the date of the transaction. On or
4 before the end of each business day, the pawnbroker must
5 deliver to the appropriate law enforcement official the
6 original pawnbroker transaction forms for each of the
7 transactions occurring during the previous business day,
8 unless other arrangements have been agreed upon between the
9 pawnbroker and the appropriate law enforcement official. The
10 sheriff, as chief law enforcement officer of the county, or
11 the director of the department of public safety when there is
12 no sheriff, is designated as the central repository for copies
13 of all pawnbroker transaction forms collected by the
14 appropriate law enforcement official in the county. Upon
15 request by the sheriff or public safety director, the
16 appropriate law enforcement official shall submit a copy of
17 each pawnbroker transaction form to the sheriff or public
18 safety director within a time and in such form as is
19 determined by the sheriff or public safety director after
20 consultation with the appropriate law enforcement official.If
21 the original transaction form is lost or destroyed by the
22 appropriate law enforcement official, a copy may be used by
23 the pawnbroker as evidence in court. When an electronic image
24 of a pledgor or seller identification is accepted for a
25 transaction, the pawnbroker must maintain the electronic image
26 in order to meet the same recordkeeping requirements as for
27 the original transaction form. If a criminal investigation
28 occurs, the pawnbroker shall, upon request, provide a clear
29 and legible copy of the image to the appropriate law
30 enforcement official.
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1 Section 2. Subsection (4) of section 538.04, Florida
2 Statutes, is renumbered as subsection (5) of that section, and
3 a new subsection (4) is added to that section to read:

4 538.04 Recordkeeping requirements; penalties.--

5 (4) If the appropriate law enforcement agency supplies
6 the appropriate software and the secondhand dealer presently
7 has computer capability, transactions of secondhand goods
8 shall be electronically transferred. If a secondhand dealer
9 does not presently have computer capability, the appropriate
10 law enforcement agency may provide the secondhand dealer with
11 a computer and all necessary equipment for the purpose of
12 electronically transferring transactions of secondhand goods.
13 The appropriate law enforcement agency shall retain ownership
14 of the computer, unless otherwise agreed upon. The secondhand
15 dealer shall maintain the computer in good working order,
16 ordinary wear and tear excepted. In the event the secondhand
17 dealer transfers transactions of secondhand goods
18 electronically, the secondhand dealer is not required to also
19 deliver to the appropriate law enforcement official the
20 original or copies of the secondhand goods transaction forms.
21 The appropriate law enforcement official may, for the purposes
22 of a criminal investigation, request that the secondhand
23 dealer produce an original of a transaction form that has been
24 electronically transferred. The secondhand dealer shall
25 deliver this form to the appropriate law enforcement official
26 within 24 hours of the request.

27 ~~(5)(4)~~ Any person who knowingly gives false
28 verification of ownership or who gives a false or altered
29 identification, and who receives money from a secondhand
30 dealer for goods sold or pledged commits:

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1 (a) If the value of the money received is less than
2 \$300, a misdemeanor of the first degree, punishable as
3 provided in s. 775.082 or s. 775.083.

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

7 Section 3. Subsections (2) and (3) of section 812.022,
8 Florida Statutes, are amended to read:

9 812.022 Evidence of theft or dealing in stolen
10 property.--

11 (2) Proof of possession of property recently stolen,
12 unless satisfactorily explained, gives rise to a presumption
13 ~~an inference~~ that the person in possession of the property
14 knew or should have known that the property had been stolen.

15 (3) Proof of the purchase or sale of stolen property
16 at a price substantially below the fair market value, unless
17 satisfactorily explained, gives rise to a presumption ~~an~~
18 ~~inference~~ that the person buying or selling the property knew
19 or should have known that the property had been stolen.

20 Section 4. This act shall take effect upon becoming a
21 law.

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HOUSE SUMMARY

With respect to ch. 539, F.S., the Florida Pawnbroking Act, revises recordkeeping requirements for pawnbrokers to provide that the sheriff, as the chief law enforcement officer of the county, or the director of the department of public safety when there is no sheriff, is designated as the central repository for copies of all pawnbroker transaction forms collected by the appropriate law enforcement official in the county. Provides for submission of pawnbroker transaction forms to the sheriff or public safety director upon the request of the sheriff or public safety director.

Provides for the electronic transfer of transactions of secondhand goods in the same manner currently provided for pawn transactions.

Revises provisions relating to evidence of theft or dealing in stolen property to provide that proof of possession of property recently stolen, or proof of purchase or sale of stolen property at a price substantially below the fair market value, unless satisfactorily explained, gives rise to a presumption, rather than an inference, that the person in possession of, buying, or selling the property knew or should have known that the property had been stolen.