

1 A bill to be entitled
2 An act relating to pawnbroking, secondhand
3 dealers, and stolen property; amending s.
4 539.001, F.S.; revising recordkeeping
5 requirements for pawnbrokers to provide that
6 the sheriff or the director of the department
7 of public safety is designated as the central
8 repository for copies of all pawnbroker
9 transaction forms collected by the appropriate
10 law enforcement official in the county;
11 providing for submission of pawnbroker
12 transaction forms to the sheriff or public
13 safety director upon request; providing for a
14 statewide system for collecting and accessing
15 pawnshop ticket and second-hand dealer
16 information; designating the Florida Sheriffs'
17 Association Statewide Task Force as
18 administrator of the system ; providing
19 authorized law enforcement officials access to
20 the database; designating the Sheriffs' offices
21 as central repositories responsible for the
22 transfer of information to the statewide
23 database; amending s. 538.04, F.S.; providing
24 for electronic transfer of transactions of
25 secondhand goods; authorizing the appropriate
26 law enforcement agency to provide a secondhand
27 dealer with a computer and necessary equipment
28 for the electronic transfer of transactions of
29 secondhand goods; providing procedures with
30 respect to the electronic transfer of
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1 transactions of secondhand goods; providing an
2 effective date.

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

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6 Section 1. Paragraph (a) of subsection (9) of section
7 539.001, Florida Statutes, is amended to read:

8 539.001 The Florida Pawnbroking Act.--

9 (8) PAWNBROKER TRANSACTION FORM.--(a) At the time the
10 pawnbroker enters into any pawn or purchase transaction, the
11 pawnbroker shall complete a pawnbroker transaction form for
12 such transaction, including an indication of whether the
13 transaction is a pawn or a purchase, and the pledgor or seller
14 shall sign such completed form. The agency, in consultation
15 with the Florida Department of Law Enforcement, must approve
16 the design and format of the pawnbroker transaction form,
17 which must be 8 1/2 inches x 11 inches in size and elicit the
18 information required under this section. In completing the
19 pawnbroker transaction form, the pawnbroker shall record the
20 following information, which must be typed or written
21 indelibly and legibly in English.

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

23 (a) A pawnbroker must maintain a copy of each
24 completed pawnbroker transaction form on the pawnshop premises
25 for at least 1 year after the date of the transaction. On or
26 before the end of each business day, the pawnbroker must
27 deliver to the appropriate law enforcement official the
28 original pawnbroker transaction forms for each of the
29 transactions occurring during the previous business day,
30 unless other arrangements have been agreed upon between the
31 pawnbroker and the appropriate law enforcement official. The

1 sheriff, as chief law enforcement officer of the county, or
2 the director of the department of public safety when there is
3 no sheriff, is designated as the central repository for copies
4 of all pawnbroker transaction forms collected by the
5 appropriate law enforcement official in the county. Upon
6 request by the sheriff or public safety director, the
7 appropriate law enforcement official shall submit a copy of
8 each pawnbroker transaction form to the sheriff or public
9 safety director within a time and in such form as is
10 determined by the sheriff or public safety director after
11 consultation with the appropriate law enforcement official.If
12 the original transaction form is lost or destroyed by the
13 appropriate law enforcement official, a copy may be used by
14 the pawnbroker as evidence in court. When an electronic image
15 of a pledgor or seller identification is accepted for a
16 transaction, the pawnbroker must maintain the electronic image
17 in order to meet the same recordkeeping requirements as for
18 the original transaction form. If a criminal investigation
19 occurs, the pawnbroker shall, upon request, provide a clear
20 and legible copy of the image to the appropriate law
21 enforcement official.

22 (b) If the appropriate law enforcement agency supplies
23 the appropriate software and the pawnbroker presently has the
24 computer ability, pawn transactions shall be electronically
25 transferred. If a pawnbroker does not presently have the
26 computer ability, the appropriate law enforcement agency may
27 provide the pawnbroker with a computer and all necessary
28 equipment for the purpose of electronically transferring pawn
29 transactions. The appropriate law enforcement agency shall
30 retain ownership of the computer, unless otherwise agreed
31 upon. The pawnbroker shall maintain the computer in good

1 working order, ordinary wear and tear excepted. In the event
 2 the pawnbroker transfers pawn transactions electronically, the
 3 pawnbroker is not required to also deliver to the appropriate
 4 law enforcement official the original or copies of the
 5 pawnbroker transaction forms. The appropriate law enforcement
 6 official may, for the purposes of a criminal investigation,
 7 request that the pawnbroker produce an original of a
 8 transaction form that has been electronically transferred. The
 9 pawnbroker shall deliver this form to the appropriate law
 10 enforcement official within 24 hours of the request.

11 (c) There shall be a statewide system for collecting
 12 and accessing pawnshop ticket and second-hand dealer
 13 information as defined in Chapters 538 and 539, Florida
 14 Statutes. The system shall be administered by the Florida
 15 Sheriffs' Association Statewide Task Force, which shall
 16 include the database known as the Florida Sheriffs' Property
 17 Recovery Database. This database shall be the officially
 18 recognized statewide database for all pawnshop ticket and
 19 second-hand dealer information for which collection is
 20 required by law.

21 1. Any law enforcement official who is authorized by
 22 law, and who meets the requirements established by and is
 23 approved by the Florida Sheriffs' Association Statewide Task
 24 Force, shall have access to the Florida Sheriffs' Property
 25 Recovery Database, in a manner prescribed by the Florida
 26 Sheriffs' Association Statewide Task Force.

27 2. In order to establish a more efficient and
 28 effective system, the Sheriffs, which includes the Director of
 29 Public Safety in Dade County, as the chief law enforcement
 30 officers of their respective counties, shall be designated as
 31 the central repository agencies for all pawnshop ticket and

1 second-hand dealer information collected in their counties.
2 Any other law enforcement agency collecting this information
3 shall deliver the information, once collected, to the Sheriff
4 of the county in which it is collected, which includes the
5 Director of Public Safety in Dade County, in a manner
6 prescribed by the Florida Sheriffs' Association Statewide Task
7 Force. Upon receiving the information the Sheriffs, which
8 includes the Director of Public Safety in Dade County, shall
9 cause the information to be transferred to the Florida
10 Sheriffs' Property Recovery Database by electronic
11 transmission or by other means approved by the Florida
12 Sheriffs' Association Statewide Task Force.

13 3. The Florida Sheriffs' Property Recovery Database
14 may be accessed through "FLASH," the Florida Sheriffs'
15 Statewide Computer Networking System, or through any other
16 avenue approved by the Florida Sheriffs' Association Statewide
17 Task Force.

18 4. The Florida Sheriffs' Association Statewide Task
19 Force shall establish the standards and requirements for
20 transmitting and transferring the information into the
21 statewide system and access approval and fees.

22 (d)(e) All goods delivered to a pawnbroker in a pawn
23 or purchase transaction must be securely stored and maintained
24 in an unaltered condition within the jurisdiction of the
25 appropriate law enforcement official for a period of 30
26 calendar days after the transaction. Those goods delivered to
27 a pawnbroker in a purchase transaction may not be sold or
28 otherwise disposed of before the expiration of such period.
29 The pawnbroker shall make all pledged and purchased goods and
30 all records relating to such goods available for inspection by
31 the appropriate law enforcement official during normal

1 business hours throughout such period. The pawnbroker must
2 store and maintain pledged goods for the period prescribed in
3 subsection (10) unless the pledged goods are redeemed earlier;
4 provided, however, that within the first 30 days after the
5 original pawn, the pledged goods may be redeemed only by the
6 pledgor or the pledgor's attorney in fact.

7 Section 2. Subsection (4) of section 538.04, Florida
8 Statutes, is renumbered as subsection (5) of said section, and
9 a new subsection (4) is added to said section to read:

10 538.04 Recordkeeping requirements; penalties.--

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

1 deliver this form to the appropriate law enforcement official
2 within 24 hours of the request.

3 (5)~~(4)~~ Any person who knowingly gives false
4 verification of ownership or who gives a false or altered
5 identification, and who receives money from a secondhand
6 dealer for goods sold or pledged commits:

7 (a) If the value of the money received is less than
8 \$300, a misdemeanor of the first degree, punishable as
9 provided in s. 775.082 or s. 775.083.

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

13 Section 3. This act shall take effect upon becoming a
14 law.

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