

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. Subsection (8) and paragraph (a) of  
7 subsection (9) of section 539.001, Florida Statutes, are  
8 amended to read:

9 539.001 The Florida Pawnbroking Act.--

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

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

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

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

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

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

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

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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.