

Bill No. CS for SB 1712

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Campbell moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 30, between lines 28 and 29,		
15			
16	insert:		
17	Section 16. Subsections (2), (8), (9), and (16),		
18	paragraph (a) of subsection (7), paragraph (b) of subsection		
19	(11), and paragraphs (b), (l), and (m) of subsection (12) of		
20	section 539.001, Florida Statutes, are amended to read:		
21	539.001 The Florida Pawnbroking Act.--		
22	(2) DEFINITIONS.--As used in this section, the term:		
23	(a) "Agency" means the Division of Consumer Services		
24	of the Department of Agriculture and Consumer Services.		
25	<u>(b) "Amount financed" is used interchangeably to mean</u>		
26	<u>"amount of money advanced" or "principal amount."</u>		
27	<u>(c)</u> (b) "Appropriate law enforcement official" means		
28	the sheriff of the county in which a pawnshop is located or,		
29	in case of a pawnshop located within a municipality, the		
30	police chief of the municipality in which the pawnshop is		
31	located; however, any sheriff or police chief may designate as		

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1 the appropriate law enforcement official for the county or
2 municipality, as applicable, any law enforcement officer
3 working within the county or municipality headed by that
4 sheriff or police chief. Nothing in this subsection limits the
5 power and responsibilities of the sheriff.

6 (d)~~(e)~~ "Claimant" means a person who claims that his
7 or her property was misappropriated.

8 (e)~~(d)~~ "Conveying customer" means a person who
9 delivers property into the custody of a pawnbroker, either by
10 pawn, sale, consignment, or trade.

11 (f)~~(e)~~ "Identification" means a government-issued
12 photographic identification or an electronic image taken from
13 a government-issued photographic identification.

14 (g)~~(f)~~ "Misappropriated" means stolen, embezzled,
15 converted, or otherwise wrongfully appropriated against the
16 will of the rightful owner.

17 (h)~~(g)~~ "Net worth" means total assets less total
18 liabilities.

19 (i)~~(h)~~ "Pawn" means any advancement of funds on the
20 security of pledged goods on condition that the pledged goods
21 are left in the possession of the pawnbroker for the duration
22 of the pawn and may be redeemed by the pledgor on the terms
23 and conditions contained in this section.

24 (j)~~(i)~~ "Pawnbroker" means any person who is engaged in
25 the business of making pawns; who makes a public display
26 containing the term "pawn," "pawnbroker," or "pawnshop" or any
27 derivative thereof; or who publicly displays a sign or symbol
28 historically identified with pawns. A pawnbroker may also
29 engage in the business of purchasing goods which includes
30 consignment and trade.

31 (k)~~(j)~~ "Pawnbroker transaction form" means the

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1 instrument on which a pawnbroker records pawns and purchases
2 as provided in subsection (8).

3 (l)~~(k)~~ "Pawn service charge" means a charge for
4 investigating the title, storage, and insuring of the
5 security; closing the transaction; making daily reports to
6 appropriate law enforcement officials; expenses and losses;
7 and all other services.

8 (m)~~(l)~~ "Pawnshop" means the location at which a
9 pawnbroker conducts business.

10 (n)~~(m)~~ "Permitted vendor" means a vendor who furnishes
11 a pawnbroker with an invoice specifying the vendor's name and
12 address, the date of the sale, a description of the items
13 sold, and the sales price, and who has an established place of
14 business, or, in the case of a secondhand dealer as defined in
15 s. 538.03, has represented in writing that such dealer has
16 complied with all applicable recordkeeping, reporting, and
17 retention requirements pertaining to goods sold or otherwise
18 delivered to a pawnbroker.

19 (o)~~(n)~~ "Person" means an individual, partnership,
20 corporation, joint venture, trust, association, or other legal
21 entity.

22 (p)~~(o)~~ "Pledged goods" means tangible personal
23 property that is deposited with, or otherwise delivered into
24 the possession of a pawnbroker in connection with a pawn.
25 "Pledged goods" does not include titles or any other form of
26 written security in tangible property in lieu of actual
27 physical possession, including, but not limited to, choses in
28 action, securities, printed evidence of indebtedness, or
29 certificates of title and other instruments evidencing title
30 to separate items of property, including motor vehicles. For
31 purposes of federal and state bankruptcy laws, a pledgor's

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1 interest in his or her pledged goods during the pendency of a
2 pawn is a right of redemption only.

3 (q)~~(p)~~ "Pledgor" means an individual who delivers
4 pledged goods into the possession of a pawnbroker in
5 connection with a pawn.

6 (r)~~(q)~~ "Purchase" means the transfer and delivery of
7 goods, by a person other than a permitted vendor, to a
8 pawnbroker by acquisition for value, consignment, or trade for
9 other goods.

10 (s)~~(r)~~ "Amount financed" is used interchangeably to
11 mean the same as "amount of money advanced" or "principal
12 amount".

13 (t)~~(s)~~ "Default date" means that date upon which the
14 pledgor's right of redemption expires and absolute right,
15 title, and interest in and to the pledged goods shall vest in
16 and shall be deemed conveyed to the pawnbroker by operation of
17 law.

18 (u)~~(t)~~ "Beneficial owner" means a person who does not
19 have title to property but has rights in the property which
20 are the normal incident of owning the property.

21 (v)~~(u)~~ "Operator" means a person who has charge of a
22 corporation or company and has control of its business, or of
23 its branch establishments, divisions, or departments, and who
24 is vested with a certain amount of discretion and independent
25 judgment.

26 (7) ORDERS IMPOSING PENALTIES.--

27 (a) The agency may enter an order imposing one or more
28 of the penalties set forth in paragraph (b) if the agency
29 finds that a pawnbroker:

30 1. Violated or is operating in violation of any of the
31 provisions of this section or of the rules adopted or orders

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1 issued thereunder;

2 2. Made a material false statement in any application,
3 document, or record required to be submitted or retained under
4 this section;

5 3. Refused or failed, or any of its principal officers
6 has refused or failed, after notice, to produce any document
7 or records or disclose any information required to be produced
8 or disclosed under this section or the rules of the agency;

9 4. Made a material false statement in response to any
10 request or investigation by the agency, the Department of
11 Legal Affairs, or the state attorney; or

12 5. Has ~~intentionally~~ defrauded the public through
13 dishonest or deceptive means.

14 (8) PAWNBROKER TRANSACTION FORM.--

15 (a) At the time the pawnbroker enters into any pawn or
16 purchase transaction, the pawnbroker shall complete a
17 pawnbroker transaction form for such transaction, including an
18 indication of whether the transaction is a pawn or a purchase,
19 and the pledgor or seller shall sign such completed form. The
20 agency must approve the design and format of the pawnbroker
21 transaction form, which must be 8 1/2 inches x 11 inches in
22 size and elicit the information required under this section.
23 In completing the pawnbroker transaction form, the pawnbroker
24 shall record the following information, which must be typed or
25 printed in black ink ~~written~~ indelibly and legibly in English.

26 (b) The front of the pawnbroker transaction form must
27 include:

28 1. The name and address of the pawnshop.

29 2. A complete and accurate printed description of the
30 pledged goods or purchased goods, notwithstanding product
31 identification letter codes imprinted on the form, including

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1 the following information, if applicable:

- 2 a. Brand name.
- 3 b. Model number.
- 4 c. Manufacturer's serial number.
- 5 d. Size.
- 6 e. Color, as apparent to the untrained eye.
- 7 f. Precious metal type, weight, and content, if known.
- 8 g. Gemstone description, including the number of
- 9 stones.
- 10 h. In the case of firearms, the type of action,
- 11 caliber or gauge, number of barrels, barrel length, and
- 12 finish.
- 13 i. Any other unique identifying marks, numbers, names,
- 14 or letters.

15

16 Notwithstanding sub-subparagraphs a.-i., in the case of

17 multiple items of a similar nature delivered together in one

18 transaction which do not bear serial or model numbers and

19 which do not include precious metal or gemstones, such as

20 musical or video recordings, books, and hand tools, the

21 description of the items is adequate if it contains the

22 quantity of items and a description of the type of items

23 delivered.

24 3. The name, the current address, home telephone

25 number, and place of employment, the date of birth, a physical

26 description, and a substantial likeness of the right

27 thumbprint of the pledgor or seller.

28 4. The date and time of the transaction.

29 5. The type of identification accepted from the

30 pledgor or seller, including the issuing agency and the

31 identification number.

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- 1 6. In the case of a pawn:
- 2 a. The amount of money advanced, which must be
- 3 designated as the amount financed;
- 4 b. The maturity date of the pawn, which must be 30
- 5 days after the date of the pawn;
- 6 c. The last default date of redemption of the pawn and
- 7 the amount due on the last default date of redemption;
- 8 d. The total pawn service charge payable on the
- 9 maturity date, which must be designated as the finance charge;
- 10 e. The amount financed plus the finance charge that
- 11 must be paid to redeem the pledged goods on the maturity date,
- 12 which must be designated as the total of payments;
- 13 f. The annual percentage rate, computed according to
- 14 the regulations adopted by the Federal Reserve Board under the
- 15 federal Truth in Lending Act; and
- 16 g. The front or back of the pawnbroker transaction
- 17 form must include a statement that:
- 18 (I) Any personal property pledged to a pawnbroker
- 19 within this state which is not redeemed within 30 days
- 20 following the maturity date of the pawn, if the 30th day is
- 21 not a business day, then the following business day, is
- 22 automatically forfeited to the pawnbroker, and absolute right,
- 23 title, and interest in and to the property vests in and is
- 24 deemed conveyed to the pawnbroker by operation of law, and no
- 25 further notice is necessary;
- 26 (II) The pledgor is not obligated to redeem the
- 27 pledged goods; and
- 28 (III) If the pawnbroker transaction form is lost,
- 29 destroyed, or stolen, the pledgor must immediately advise the
- 30 issuing pawnbroker in writing by certified or registered mail,
- 31 return receipt requested, or in person evidenced by a signed

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1 receipt.

2 (IV) A pawn may be extended upon mutual agreement of
3 the parties.

4 7. In the case of a purchase, the amount of money paid
5 for the goods or the monetary value assigned to the goods in
6 connection with the transaction.

7 8. A statement that the pledgor or seller of the item
8 represents and warrants that it is not stolen, that it has no
9 liens or encumbrances against it, and that the pledgor or
10 seller is the rightful owner of the goods and has the right to
11 enter into the transaction.

12 9. The name, initials, or employee identification
13 number of the clerk completing the transaction form.

14
15 Any person who knowingly gives false verification of ownership
16 or gives a false or altered identification and who receives
17 money from a pawnbroker for goods sold or pledged commits:

18 a. If the value of the money received is less than
19 \$300, a felony of the third degree, punishable as provided in
20 s. 775.082, s. 775.083, or s. 775.084.

21 b. If the value of the money received is \$300 or more,
22 a felony of the second degree, punishable as provided in s.
23 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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1 retain ownership of the computer, unless otherwise agreed
2 upon. The pawnbroker shall maintain the computer in good
3 working order, ordinary wear and tear excepted. These
4 computerized records must provide for the export of pawn
5 transaction data in the file format and manner specified by
6 the sheriff for inclusion in the statewide database.In the
7 event the pawnbroker transfers pawn transactions
8 electronically, the pawnbroker is not required to also deliver
9 to the appropriate law enforcement official the original or
10 copies of the pawnbroker transaction forms. For audit
11 purposes, the appropriate law enforcement official may
12 manually collect the original or a copy of the completed
13 transaction forms for review, with those forms being returned
14 to the pawnbroker within 15 business days.The appropriate law
15 enforcement official may, for the purposes of a criminal
16 investigation, request that the pawnbroker produce an original
17 of a transaction form that has been electronically
18 transferred. The pawnbroker shall deliver this form to the
19 appropriate law enforcement official within 24 hours of the
20 request.

21 (c) There shall be a statewide system for collecting
22 and accessing pawnshop ticket and second-hand dealer
23 information as defined in chapters 538 and 539. The system
24 shall be administered by the sheriffs and shall include the
25 database known as the Florida Sheriffs' Property Recovery
26 Database. This database shall be the officially recognized
27 statewide database for all pawnshop ticket and second-hand
28 dealer information for which collection is required by law.

29 1. Any law enforcement official who is authorized by
30 law, and who meets the requirements established by and is
31 approved by the sheriffs shall have access to the Florida

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1 Sheriffs' Property Recovery Database, in a manner prescribed
2 by the sheriffs.

3 2. In order to establish a more efficient and
4 effective system, the sheriffs, which includes the Director of
5 Public Safety in Dade County, as the chief law enforcement
6 officers of their respective counties, shall be designated as
7 the central repository agencies for all pawnshop ticket and
8 second-hand dealer information collected in their counties.
9 Any other law enforcement agency collecting this information
10 shall deliver the information, once collected, to the sheriff
11 of the county in which it is collected, which includes the
12 Director of Public Safety in Miami-Dade County, in a manner
13 prescribed by the sheriffs. Upon receiving the information
14 the sheriffs, which includes the Director of Public Safety in
15 Miami-Dade County, shall cause the information to be
16 transferred to the Florida Sheriffs' Property Recovery
17 Database by electronic transmission or by other means approved
18 by the sheriffs. Pawn ticket information initially transferred
19 to the Florida Sheriffs' Association Property Recovery
20 Database shall be the information as contained in
21 subparagraphs (8)(b)1., 2., and 4. Any law enforcement agency
22 needing to access the information in subparagraphs (8)(b)3.,
23 5., and 6. may show probable cause that a reported item has
24 been misappropriated or a criminal investigation is underway
25 affecting such item, and may request and receive any
26 additional information pertaining to such item from the
27 reporting local law enforcement agency.

28 3. The Florida Sheriffs' Property Recovery Database
29 may be accessed through "FLASH," the Florida Sheriffs'
30 Statewide Computer Networking System, or through any other
31 avenue approved by the sheriffs. Any costs or fees incurred or

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1 to be incurred by the Florida Department of Law Enforcement or
2 the Florida police chiefs must be approved by the Department
3 of Law Enforcement and the Florida Police Chiefs' Association
4 jointly. No costs or fees shall be assessed to law enforcement
5 agencies within this state to access the Florida Sheriffs'
6 Property Recovery Database. Data that are supplied to the
7 sheriffs may not be sold to private entities.

8 4. The sheriffs, in consultation with the Florida
9 Police Chiefs' Association and the Department of Law
10 Enforcement, shall establish the standards and requirements
11 for transmitting and transferring the information into the
12 statewide system and access approval.

13 5. Routine automated queries of the FCIC/NCIC system
14 by the Florida Sheriffs' Property Recovery Database within the
15 statewide computer system, in coordination with the Florida
16 Department of Law Enforcement, shall be limited to queries
17 regarding stolen property.

18 (d)(e) All goods delivered to a pawnbroker in a pawn
19 or purchase transaction must be securely stored and maintained
20 in an unaltered condition within the jurisdiction of the
21 appropriate law enforcement official for a period of 30
22 calendar days after the transaction. Those goods delivered to
23 a pawnbroker in a purchase transaction may not be sold or
24 otherwise disposed of before the expiration of such period.
25 ~~The pawnbroker shall make all pledged and purchased goods and~~
26 ~~all records relating to such goods available for inspection by~~
27 ~~the appropriate law enforcement official during normal~~
28 ~~business hours throughout such period.~~The pawnbroker must
29 store and maintain pledged goods for the period prescribed in
30 subsection (10) unless the pledged goods are redeemed earlier;
31 provided, however, that within the first 30 days after the

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1 original pawn, the pledged goods may be redeemed only by the
2 pledgor or the pledgor's attorney in fact.

3 (11) PAWN SERVICE CHARGES.--

4 (b) The default date of any pawn may be extended to a
5 subsequent date by mutual agreement, between the pledgor and
6 the pawnbroker except the pawnbroker may not impose a minimum
7 duration of more than 30 days, evidenced by a written
8 memorandum, a copy of which must be supplied to the pledgor,
9 which must clearly specify the new default date, and the pawn
10 service charges owed on the new default date. In this event,
11 the daily pawn service charge for the extension shall be equal
12 to the pawn service charge for the original 30-day period
13 divided by 30 days (i.e., one-thirtieth of the original total
14 pawn service charge). There is no limit on the number of
15 extensions that the parties may agree to.

16 (12) PROHIBITED ACTS.--A pawnbroker, or an employee or
17 agent of a pawnbroker, may not:

18 (b) Refuse to allow the agency, the appropriate law
19 enforcement official, or the state attorney, or any of their
20 designated representatives having jurisdiction, to inspect
21 completed pawnbroker transaction forms or any record
22 pertaining to such transactions, including computer records,
23 or pledged or purchased goods during the ordinary hours of the
24 pawnbroker's business or other time acceptable to both
25 parties. Upon request of the alleged owner or claimant of the
26 disputed property, the appropriate law enforcement official
27 shall disclose to a claimant or alleged owner the name and
28 address of the pawnbroker, the name and address of the
29 conveying customer, and a description of disputed property
30 that has been pawned, purchased, or consigned ~~goods that the~~
31 ~~claimant claims to be misappropriated.~~ Any locations other

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1 than the licensed location used for storage must be disclosed
2 to the law enforcement officer.

3 (l) Operate a pawnshop between the hours of 10 p.m.
4 and 7 a.m.

5 (m) Knowingly hire anyone to work in a pawnshop who
6 has been convicted of, or entered a plea of guilty or nolo
7 contendere to, or had adjudication withheld for a felony
8 within the last 5 years, or been convicted of, or entered a
9 plea of guilty or nolo contendere to, or had adjudication
10 withheld for a crime within the last 5 years which involves
11 theft, larceny, dealing in stolen property, receiving stolen
12 property, burglary, embezzlement, obtaining property by false
13 pretenses, possession of altered property, or any fraudulent,
14 or dishonest dealing.

15 (16) HOLD ORDERS; ISSUANCE; REQUIRED INFORMATION;
16 PROCEDURES.--

17 (a) When an appropriate law enforcement official in
18 this state has probable cause to believe that property in the
19 possession of a pawnbroker is misappropriated, the official
20 may place a written hold order on the property. The written
21 hold order shall impose a holding period not to exceed 120 ~~90~~
22 days unless extended by court order. The appropriate law
23 enforcement official in this state may rescind, in writing,
24 any hold order. An appropriate law enforcement official may
25 place only one hold order on property.

26 (b) Upon the expiration of the holding period, the
27 pawnbroker shall notify, in writing, a ~~the appropriate~~ law
28 enforcement official in this state by certified mail, return
29 receipt requested, that the holding period has expired. The
30 holding period shall expire on the 10th day following receipt
31 of the returned certified notice to the pawnbroker. If, on the

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1 10th day after the written notice has been received by a the
2 ~~appropriate~~ law enforcement official in this state, the
3 pawnbroker has not received from a court an extension of the
4 hold order on the property and the property is not the subject
5 of a proceeding under subsection (15), title to the property
6 shall vest in and be deemed conveyed by operation of law to
7 the pawnbroker, free of any liability for claims but subject
8 to any restrictions contained in the pawn transaction contract
9 and subject to the provisions of this section.

10 (c) A hold order must specify:

11 1. The name and address of the pawnbroker.

12 2. The name, title, and identification number of the
13 representative of the appropriate law enforcement official or
14 the court placing the hold order.

15 3. If applicable, the name and address of the
16 ~~appropriate~~ law enforcement official in this state or court to
17 which such representative is attached and the number, if any,
18 assigned to the claim regarding the property.

19 4. A complete description of the property to be held,
20 including model number and serial number if applicable.

21 5. The name of the person reporting the property to be
22 misappropriated unless otherwise prohibited by law.

23 6. The mailing address of the pawnbroker where the
24 property is held.

25 7. The expiration date of the holding period.

26 (d) The pawnbroker or the pawnbroker's representative
27 must sign and date a copy of the hold order as evidence of
28 receipt of the hold order and the beginning of the 90-day
29 holding period.

30 (e)1. Except as provided in subparagraph 2., a
31 pawnbroker may not release or dispose of property subject to a

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1 hold order except pursuant to a court order, a written release
2 from a the appropriate law enforcement official in this state,
3 or the expiration of the holding period of the hold order.

4 2. While a hold order is in effect, the pawnbroker
5 must upon request release the property subject to the hold
6 order to the custody of the appropriate law enforcement
7 official in this state for use in a criminal investigation.
8 The release of the property to the custody of the appropriate
9 law enforcement official in this state is not considered a
10 waiver or release of the pawnbroker's property rights or
11 interest in the property. Upon completion of the criminal
12 proceeding, the property must be returned to the pawnbroker
13 unless the court orders other disposition. When such other
14 disposition is ordered, the court shall additionally order the
15 conveying customer to pay restitution to the pawnbroker in the
16 amount received by the conveying customer for the property
17 together with reasonable attorney's fees and costs.

18 Section 17. Subsection (1) of section 539.003, Florida
19 Statutes, is amended to read:

20 539.003 Confidentiality.--

21 (1) All records relating to pawnbroker transactions
22 delivered to appropriate law enforcement officials pursuant to
23 s. 539.001 are confidential and exempt from the provisions of
24 s. 119.07(1) and s. 24(a), Art. I of the State Constitution
25 and may be used only for official law enforcement purposes.
26 This section does not prohibit the disclosure by the
27 appropriate law enforcement officials of the name and address
28 of the pawnbroker, the name and address of the conveying
29 customer, or a description of pawned, purchased, or conveyed
30 property to the alleged owner of pawned property.

31 Section 18. Present subsections (3), (4), and (5) of

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1 section 538.04, Florida Statutes, 1998 Supplement, are
2 redesignated as subsections (4), (5), and (6), respectively,
3 and a new subsection (3) is added to that section to read:
4 538.04 Recordkeeping requirements; penalties.--
5 (3) 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 also required to
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 Section 19. Subsection (7) of section 812.155, Florida
28 Statutes, 1998 Supplement, is amended to read:

29 812.155 Hiring, leasing, or obtaining personal
30 property or equipment with the intent to defraud; failing to
31 return hired or leased personal property or equipment; rules

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1 of evidence.--

2 ~~(7) EXCLUSION OF RENTAL-PURCHASE AGREEMENTS.--This~~
3 ~~section does not apply to personal property or equipment that~~
4 ~~is the subject of a rental-purchase agreement that permits the~~
5 ~~lessee to acquire ownership of the personal property or~~
6 ~~equipment.~~

7 Section 20. If any provision of this act or the
8 application thereof to any person or circumstance is held
9 invalid, the invalidity does not affect other provisions or
10 applications of the act which can be given effect without the
11 invalid provision or application, and to this end the
12 provisions of this act are declared severable.

13
14 (Redesignate subsequent sections.)

15
16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 3, line 8, after the semicolon

20
21 insert:

22 amending s. 539.001, F.S.; defining terms;
23 modifying findings required of the Division of
24 Consumer Services of the Department of
25 Agriculture and Consumer Services for orders
26 imposing penalties; requiring approval of
27 pawnbroker transaction forms; revising content
28 of such forms; revising recordkeeping
29 requirements for pawnbrokers to provide that
30 the sheriff or the director of the department
31 of public safety is designated as the central

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1 repository for copies of all pawnbroker
2 transaction forms collected by law enforcement
3 officials; providing for submission of
4 pawnbroker transaction forms to the sheriff or
5 public safety director upon request; requiring
6 pawnbrokers to computerize their records by a
7 specified date; providing for a statewide
8 system for collecting and accessing pawnshop
9 ticket and second-hand dealer information;
10 designating the sheriffs as administrators of
11 the system; providing authorized law
12 enforcement officials access to the database;
13 designating the sheriffs' offices as central
14 repositories responsible for the transfer of
15 information to the statewide database;
16 providing that the sheriffs, in consultation
17 with the Florida Police Chiefs and the
18 Department of Law Enforcement, must establish
19 standards for transmitting information into the
20 statewide system; providing for fees; limiting
21 the scope of certain database searches;
22 prescribing certain prohibited acts; modifying
23 procedures for hold orders; amending s.
24 539.003, F.S.; deleting an exception to
25 confidentiality of records of pawnbroker
26 transactions; amending s. 538.04, F.S.;
27 providing for electronic transfer of
28 transactions of secondhand goods; authorizing
29 law enforcement agencies to provide a
30 secondhand dealer with a computer and necessary
31 equipment for the electronic transfer of

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1 transactions of secondhand goods; providing
2 procedures with respect to the electronic
3 transfer of transactions of secondhand goods;
4 amending s. 812.155, F.S.; removing the
5 exclusion of rental-purchase agreements from
6 provisions which provide criminal penalties for
7 hiring, leasing, or obtaining personal property
8 with intent to defraud and failing to return
9 hired or leased personal property or equipment;
10 providing for severability;

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