

By the Committees on Criminal Justice; Banking and Insurance;  
and Senator Campbell

307-2008-99

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.; defining terms; modifying  
5           findings required of the Division of Consumer  
6           Services of the Department of Agriculture and  
7           Consumer Services for orders imposing  
8           penalties; requiring approval of pawnbroker  
9           transaction forms; revising content of such  
10          forms; revising recordkeeping requirements for  
11          pawnbrokers to provide that the sheriff or the  
12          director of the department of public safety is  
13          designated as the central repository for copies  
14          of all pawnbroker transaction forms collected  
15          by law enforcement officials; providing for  
16          submission of pawnbroker transaction forms to  
17          the sheriff or public safety director upon  
18          request; requiring pawnbrokers to computerize  
19          their records by a specified date; providing  
20          for a statewide system for collecting and  
21          accessing pawnshop ticket and second-hand  
22          dealer information; designating the sheriffs as  
23          administrators of the system; providing  
24          authorized law enforcement officials access to  
25          the database; designating the sheriffs' offices  
26          as central repositories responsible for the  
27          transfer of information to the statewide  
28          database; providing that the sheriffs, in  
29          consultation with the Florida Police Chiefs and  
30          the Department of Law Enforcement, must  
31          establish standards for transmitting

1 information into the statewide system;  
2 providing for fees; limiting the scope of  
3 certain database searches; prescribing certain  
4 prohibited acts; modifying procedures for hold  
5 orders; amending s. 539.003, F.S.; deleting an  
6 exception to confidentiality of records of  
7 pawnbroker transactions; amending s. 538.04,  
8 F.S.; providing for electronic transfer of  
9 transactions of secondhand goods; authorizing  
10 law enforcement agencies to provide a  
11 secondhand dealer with a computer and necessary  
12 equipment for the electronic transfer of  
13 transactions of secondhand goods; providing  
14 procedures with respect to the electronic  
15 transfer of transactions of secondhand goods;  
16 providing for severability; providing an  
17 effective date.

18

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

20

21 Section 1. Subsections (2), (8), (9), and (16),  
22 paragraph (a) of subsection (7), paragraph (b) of subsection  
23 (11), and paragraphs (b), (l), and (m) of subsection (12) of  
24 section 539.001, Florida Statutes, are amended to read:

25

539.001 The Florida Pawnbroking Act.--

26

(2) DEFINITIONS.--As used in this section, the term:

27

(a) "Agency" means the Division of Consumer Services

28

of the Department of Agriculture and Consumer Services.

29

(b) "Amount financed" is used interchangeably to mean

30

"amount of money advanced" or "principal amount."

31

1           (c)~~(b)~~ "Appropriate law enforcement official" means  
2 the sheriff of the county in which a pawnshop is located or,  
3 in case of a pawnshop located within a municipality, the  
4 police chief of the municipality in which the pawnshop is  
5 located; however, any sheriff or police chief may designate as  
6 the appropriate law enforcement official for the county or  
7 municipality, as applicable, any law enforcement officer  
8 working within the county or municipality headed by that  
9 sheriff or police chief. Nothing in this subsection limits the  
10 power and responsibilities of the sheriff.

11           (d)~~(c)~~ "Claimant" means a person who claims that his  
12 or her property was misappropriated.

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

16           (f)~~(e)~~ "Identification" means a government-issued  
17 photographic identification or an electronic image taken from  
18 a government-issued photographic identification.

19           (g)~~(f)~~ "Misappropriated" means stolen, embezzled,  
20 converted, or otherwise wrongfully appropriated against the  
21 will of the rightful owner.

22           (h)~~(g)~~ "Net worth" means total assets less total  
23 liabilities.

24           (i)~~(h)~~ "Pawn" means any advancement of funds on the  
25 security of pledged goods on condition that the pledged goods  
26 are left in the possession of the pawnbroker for the duration  
27 of the pawn and may be redeemed by the pledgor on the terms  
28 and conditions contained in this section.

29           (j)~~(i)~~ "Pawnbroker" means any person who is engaged in  
30 the business of making pawns; who makes a public display  
31 containing the term "pawn," "pawnbroker," or "pawnshop" or any

1 derivative thereof; or who publicly displays a sign or symbol  
2 historically identified with pawns. A pawnbroker may also  
3 engage in the business of purchasing goods which includes  
4 consignment and trade.

5 (k)~~(j)~~ "Pawnbroker transaction form" means the  
6 instrument on which a pawnbroker records pawns and purchases  
7 as provided in subsection (8).

8 (l)~~(k)~~ "Pawn service charge" means a charge for  
9 investigating the title, storage, and insuring of the  
10 security; closing the transaction; making daily reports to  
11 appropriate law enforcement officials; expenses and losses;  
12 and all other services.

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

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

24 (o)~~(n)~~ "Person" means an individual, partnership,  
25 corporation, joint venture, trust, association, or other legal  
26 entity.

27 (p)~~(o)~~ "Pledged goods" means tangible personal  
28 property that is deposited with, or otherwise delivered into  
29 the possession of a pawnbroker in connection with a pawn.

30 "Pledged goods" does not include titles or any other form of  
31 written security in tangible property in lieu of actual

1 physical possession, including, but not limited to, choses in  
2 action, securities, printed evidence of indebtedness, or  
3 certificates of title and other instruments evidencing title  
4 to separate items of property, including motor vehicles. For  
5 purposes of federal and state bankruptcy laws, a pledgor's  
6 interest in his or her pledged goods during the pendency of a  
7 pawn is a right of redemption only.

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

11 (r)~~(q)~~ "Purchase" means the transfer and delivery of  
12 goods, by a person other than a permitted vendor, to a  
13 pawnbroker by acquisition for value, consignment, or trade for  
14 other goods.

15 (s)~~(r)~~ "Amount financed" is used interchangeably to  
16 mean the same as "amount of money advanced" or "principal  
17 amount".

18 (t)~~(s)~~ "Default date" means that date upon which the  
19 pledgor's right of redemption expires and absolute right,  
20 title, and interest in and to the pledged goods shall vest in  
21 and shall be deemed conveyed to the pawnbroker by operation of  
22 law.

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

26 (v)~~(u)~~ "Operator" means a person who has charge of a  
27 corporation or company and has control of its business, or of  
28 its branch establishments, divisions, or departments, and who  
29 is vested with a certain amount of discretion and independent  
30 judgment.

31 (7) ORDERS IMPOSING PENALTIES.--

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

4 1. Violated or is operating in violation of any of the  
5 provisions of this section or of the rules adopted or orders  
6 issued thereunder;

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

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

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

17 5. Has ~~intentionally~~ defrauded the public through  
18 dishonest or deceptive means.

19 (8) PAWNBROKER TRANSACTION FORM.--

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

31

- 1 (b) The front of the pawnbroker transaction form must  
2 include:
- 3 1. The name and address of the pawnshop.
  - 4 2. A complete and accurate printed description of the  
5 pledged goods or purchased goods, notwithstanding product  
6 identification letter codes imprinted on the form,including  
7 the following information, if applicable:
    - 8 a. Brand name.
    - 9 b. Model number.
    - 10 c. Manufacturer's serial number.
    - 11 d. Size.
    - 12 e. Color, as apparent to the untrained eye.
    - 13 f. Precious metal type, weight, and content, if known.
    - 14 g. Gemstone description, including the number of  
15 stones.
    - 16 h. In the case of firearms, the type of action,  
17 caliber or gauge, number of barrels, barrel length, and  
18 finish.
    - 19 i. Any other unique identifying marks, numbers, names,  
20 or letters.
  - 21
  - 22 Notwithstanding sub-subparagraphs a.-i., in the case of  
23 multiple items of a similar nature delivered together in one  
24 transaction which do not bear serial or model numbers and  
25 which do not include precious metal or gemstones, such as  
26 musical or video recordings, books, and hand tools, the  
27 description of the items is adequate if it contains the  
28 quantity of items and a description of the type of items  
29 delivered.
  - 30 3. The name, the current address, home telephone  
31 number, and place of employment, the date of birth, a physical

1 description, and a substantial likeness of the right  
2 thumbprint of the pledgor or seller. The thumbprint must be  
3 placed on each copy of the pawnbroker transaction form. The  
4 pledgor's address must be given verbally and the proper  
5 identification number must be recorded. The pawnbroker is not  
6 responsible for verifying any information given verbally by  
7 the pledgor or seller.

8 4. The date and time of the transaction.

9 5. The type of identification accepted from the  
10 pledgor or seller, including the issuing agency and the  
11 identification number.

12 6. In the case of a pawn:

13 a. The amount of money advanced, which must be  
14 designated as the amount financed;

15 b. The maturity date of the pawn, which must be 30  
16 days after the date of the pawn;

17 c. The last default date of redemption of the pawn and  
18 the amount due on the last default date of redemption;

19 d. The total pawn service charge payable on the  
20 maturity date, which must be designated as the finance charge;

21 e. The amount financed plus the finance charge that  
22 must be paid to redeem the pledged goods on the maturity date,  
23 which must be designated as the total of payments;

24 f. The annual percentage rate, computed according to  
25 the regulations adopted by the Federal Reserve Board under the  
26 federal Truth in Lending Act; and

27 g. The front or back of the pawnbroker transaction  
28 form must include a statement that:

29 (I) Any personal property pledged to a pawnbroker  
30 within this state which is not redeemed within 30 days  
31 following the maturity date of the pawn, if the 30th day is



1 not a business day, then the following business day, is  
2 automatically forfeited to the pawnbroker, and absolute right,  
3 title, and interest in and to the property vests in and is  
4 deemed conveyed to the pawnbroker by operation of law, and no  
5 further notice is necessary;

6 (II) The pledgor is not obligated to redeem the  
7 pledged goods; and

8 (III) If the pawnbroker transaction form is lost,  
9 destroyed, or stolen, the pledgor must immediately advise the  
10 issuing pawnbroker in writing by certified or registered mail,  
11 return receipt requested, or in person evidenced by a signed  
12 receipt.

13 (IV) A pawn may be extended upon mutual agreement of  
14 the parties.

15 7. In the case of a purchase, the amount of money paid  
16 for the goods or the monetary value assigned to the goods in  
17 connection with the transaction.

18 8. A statement that the pledgor or seller of the item  
19 represents and warrants that it is not stolen, that it has no  
20 liens or encumbrances against it, and that the pledgor or  
21 seller is the rightful owner of the goods and has the right to  
22 enter into the transaction.

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

25  
26 Any person who knowingly gives false verification of ownership  
27 or gives a false or altered identification and who receives  
28 money from a pawnbroker for goods sold or pledged commits:

29 a. If the value of the money received is less than  
30 \$300, a felony of the third degree, punishable as provided in  
31 s. 775.082, s. 775.083, or s. 775.084.

1           b. If the value of the money received is \$300 or more,  
2 a felony of the second degree, punishable as provided in s.  
3 775.082, s. 775.083, or s. 775.084.

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

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

1 occurs, the pawnbroker shall, upon request, provide a clear  
2 and legible copy of the image to the appropriate law  
3 enforcement official.

4 (b) If the appropriate law enforcement agency supplies  
5 the appropriate software and the pawnbroker presently has the  
6 computer ability, pawn transactions shall be electronically  
7 transferred. If a pawnbroker does not presently have the  
8 computer ability, the appropriate law enforcement agency may  
9 provide the pawnbroker with a computer and all necessary  
10 equipment for the purpose of electronically transferring pawn  
11 transactions. The appropriate law enforcement agency shall  
12 retain ownership of the computer, unless otherwise agreed  
13 upon. The pawnbroker shall maintain the computer in good  
14 working order, ordinary wear and tear excepted. Regardless of  
15 whether the appropriate law enforcement agency has provided  
16 the pawnbroker with the computer hardware necessary for this  
17 electronic transfer, all pawnbrokers must computerize their  
18 records by July 1, 2005. These computerized records must  
19 provide for the export of pawn transaction data in the file  
20 format and manner specified by the sheriff for inclusion in  
21 the statewide database.In the event the pawnbroker transfers  
22 pawn transactions electronically, the pawnbroker is not  
23 required to also deliver to the appropriate law enforcement  
24 official the original or copies of the pawnbroker transaction  
25 forms. For audit purposes, the appropriate law enforcement  
26 official may manually collect the original or a copy of the  
27 completed transaction forms for review, with those forms being  
28 returned to the pawnbroker within 15 business days.The  
29 appropriate law enforcement official may, for the purposes of  
30 a criminal investigation, request that the pawnbroker produce  
31 an original of a transaction form that has been electronically

1 transferred. The pawnbroker shall deliver this form to the  
2 appropriate law enforcement official within 24 hours of the  
3 request.

4 (c) There shall be a statewide system for collecting  
5 and accessing pawnshop ticket and second-hand dealer  
6 information as defined in chapters 538 and 539. The system  
7 shall be administered by the sheriffs and shall include the  
8 database known as the Florida Sheriffs' Property Recovery  
9 Database. This database shall be the officially recognized  
10 statewide database for all pawnshop ticket and second-hand  
11 dealer information for which collection is required by law.

12 1. Any law enforcement official who is authorized by  
13 law, and who meets the requirements established by and is  
14 approved by the sheriffs shall have access to the Florida  
15 Sheriffs' Property Recovery Database, in a manner prescribed  
16 by the sheriffs.

17 2. In order to establish a more efficient and  
18 effective system, the sheriffs, which includes the Director of  
19 Public Safety in Dade County, as the chief law enforcement  
20 officers of their respective counties, shall be designated as  
21 the central repository agencies for all pawnshop ticket and  
22 second-hand dealer information collected in their counties.  
23 Any other law enforcement agency collecting this information  
24 shall deliver the information, once collected, to the sheriff  
25 of the county in which it is collected, which includes the  
26 Director of Public Safety in Miami-Dade County, in a manner  
27 prescribed by the sheriffs. Upon receiving the information  
28 the sheriffs, which includes the Director of Public Safety in  
29 Miami-Dade County, shall cause the information to be  
30 transferred to the Florida Sheriffs' Property Recovery  
31

1 Database by electronic transmission or by other means approved  
2 by the sheriffs.

3 3. The Florida Sheriffs' Property Recovery Database  
4 may be accessed through "FLASH," the Florida Sheriffs'  
5 Statewide Computer Networking System, or through any other  
6 avenue approved by the sheriffs. Any costs or fees incurred or  
7 to be incurred by the Florida Department of Law Enforcement or  
8 the Florida police chiefs must be approved by the Department  
9 of Law Enforcement and the Florida Police Chiefs' Association  
10 jointly. No costs or fees shall be assessed to law enforcement  
11 agencies within this state to access the Florida Sheriffs'  
12 Property Recovery Database. Data that are supplied to the  
13 sheriffs may not be sold to private entities.

14 4. The sheriffs, in consultation with the Florida  
15 Police Chiefs' Association and the Department of Law  
16 Enforcement, shall establish the standards and requirements  
17 for transmitting and transferring the information into the  
18 statewide system and access approval.

19 5. Routine automated queries of the FCIC/NCIC system  
20 by the Florida Sheriffs' Property Recovery Database within the  
21 statewide computer system shall be limited to queries  
22 regarding stolen property.

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

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

8 (11) PAWN SERVICE CHARGES.--

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

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

23 (b) Refuse to allow the agency, the appropriate law  
24 enforcement official, or the state attorney, or any of their  
25 designated representatives having jurisdiction, to inspect  
26 completed pawnbroker transaction forms or any record  
27 pertaining to such transactions, including computer records,  
28 or pledged or purchased goods during the ordinary hours of the  
29 pawnbroker's business or other time acceptable to both  
30 parties. Upon request of the alleged owner or claimant of the  
31 disputed property, the appropriate law enforcement official

1 shall disclose to a claimant or alleged owner the name and  
2 address of the pawnbroker, the name and address of the  
3 conveying customer, and a description of disputed property  
4 that has been pawned, purchased, or consigned ~~goods that the~~  
5 ~~claimant claims to be misappropriated.~~ The pawnbroker may not  
6 refuse to allow access to any area of the licensed business  
7 location or any other location where pledged or purchased  
8 property is stored. Any locations other than the licensed  
9 location used for storage must be disclosed to the law  
10 enforcement officer.

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

13 (m) Knowingly hire anyone to work in a pawnshop who  
14 has been convicted of, or entered a plea of guilty or nolo  
15 contendere to, or had adjudication withheld for a felony  
16 within the last 5 years, or been convicted of, or entered a  
17 plea of guilty or nolo contendere to, or had adjudication  
18 withheld for a crime within the last 5 years which involves  
19 theft, larceny, dealing in stolen property, receiving stolen  
20 property, burglary, embezzlement, obtaining property by false  
21 pretenses, possession of altered property, or any fraudulent,  
22 or dishonest dealing.

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

25 (a) When a ~~an appropriate~~ law enforcement official in  
26 this state has probable cause to believe that property in the  
27 possession of a pawnbroker is misappropriated, the official  
28 may place a written hold order on the property. The written  
29 hold order shall impose a holding period not to exceed 120 ~~90~~  
30 days unless extended by court order. A ~~The appropriate~~ law  
31 enforcement official in this state may rescind, in writing,

1 any hold order, but. ~~An appropriate law enforcement official~~  
2 may place only one hold order on property.

3 (b) Upon the expiration of the holding period, the  
4 pawnbroker shall notify, in writing, a ~~the appropriate~~ law  
5 enforcement official in this state by certified mail, return  
6 receipt requested, that the holding period has expired. If,  
7 on the 10th day after the written notice has been received by  
8 a ~~the appropriate~~ law enforcement official in this state, the  
9 pawnbroker has not received from a court an extension of the  
10 hold order on the property and the property is not the subject  
11 of a proceeding under subsection (15), title to the property  
12 shall vest in and be deemed conveyed by operation of law to  
13 the pawnbroker, free of any liability for claims but subject  
14 to any restrictions contained in the pawn transaction contract  
15 and subject to the provisions of this section.

16 (c) A hold order must specify:

17 1. The name and address of the pawnbroker.

18 2. The name, title, and identification number of the  
19 representative of the appropriate law enforcement official or  
20 the court placing the hold order.

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

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

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

29 6. The mailing address of the pawnbroker where the  
30 property is held.

31 7. The expiration date of the holding period.



1 (d) The pawnbroker or the pawnbroker's representative  
2 must sign and date a copy of the hold order as evidence of  
3 receipt of the hold order and the beginning of the 90-day  
4 holding period.

5 (e)1. Except as provided in subparagraph 2., a  
6 pawnbroker may not release or dispose of property subject to a  
7 hold order except pursuant to a court order, a written release  
8 from a the appropriate law enforcement official in this state,  
9 or the expiration of the holding period of the hold order.

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

25 Section 2. Subsection (1) of section 539.003, Florida  
26 Statutes, is amended to read:

27 539.003 Confidentiality.--

28 (1) All records relating to pawnbroker transactions  
29 delivered to appropriate law enforcement officials pursuant to  
30 s. 539.001 are confidential and exempt from the provisions of  
31 s. 119.07(1) and s. 24(a), Art. I of the State Constitution

1 and may be used only for official law enforcement purposes.  
2 This section does not prohibit the disclosure by the  
3 appropriate law enforcement officials of the name and address  
4 of the pawnbroker, the name and address of the conveying  
5 customer, or a description of pawned, purchased, or conveyed  
6 property to the alleged owner of pawned property.

7 Section 3. Present subsections (3), (4), and (5) of  
8 section 538.04, Florida Statutes, 1998 Supplement, are  
9 redesignated as subsections (4), (5), and (6), respectively,  
10 and a new subsection (3) is added to that section to read:

11 538.04 Recordkeeping requirements; penalties.--

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

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

3 Section 4. If any provision of this act or the  
4 application thereof to any person or circumstance is held  
5 invalid, the invalidity does not affect other provisions or  
6 applications of the act which can be given effect without the  
7 invalid provision or application, and to this end the  
8 provisions of this act are declared severable.

9 Section 5. This act shall take effect upon becoming a  
10 law.

11  
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
13 COMMITTEE SUBSTITUTE FOR  
14 CS/SB 1820

- 15 - Contains no limitation on the information received by  
16 the sheriff, as the central repository. Information may  
include information about the person making the pawn.  
17 - Contains no limitation on the information transferred to  
18 the Florida Sheriffs' Property Recovery Database.  
Information may include information about the person  
19 making the pawn.  
20 - Limits routine automated queries of the FCIC/NCIC system  
by the database to queries regarding stolen property.  
21 - Provides that no costs or fees shall be assessed to  
22 Florida law enforcement agencies to access the database.  
23 - Deletes language specifying that clerical errors do not  
24 constitute a willful violation of the pawnbroking act.  
This has the effect of restoring current law which  
requires that a person make a willfully false entry.  
25 - Contains a severance clause.