

By Representative Bloom

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.; providing that the Division of  
5           Consumer Services of the Department of  
6           Agriculture and Consumer Services must approve  
7           the design and format of pawnbroker transaction  
8           forms in consultation with the Florida  
9           Department of Law Enforcement; revising  
10          recordkeeping requirements for pawnbrokers to  
11          provide that the sheriff or the director of the  
12          department of public safety is designated as  
13          the central repository for copies of all  
14          pawnbroker transaction forms collected by the  
15          appropriate law enforcement official in the  
16          county; providing for submission of pawnbroker  
17          transaction forms to the sheriff or public  
18          safety director upon request; providing for a  
19          statewide system for collecting and accessing  
20          pawnshop ticket and secondhand dealer  
21          information; requiring the Florida Sheriffs'  
22          Association Statewide Task Force to administer  
23          the system; providing authorized law  
24          enforcement officials access to the Florida  
25          Sheriffs' Association Property Recovery  
26          Database; designating the sheriffs or public  
27          safety directors as central repositories  
28          responsible for all pawnshop ticket and  
29          secondhand dealer information collected in each  
30          county; requiring the sheriffs or public safety  
31          directors to transfer such information to the

1 statewide property recovery database; providing  
2 for the establishment of standards and  
3 requirements with respect to the transfer of  
4 such information; providing for access and  
5 approval fees; amending s. 538.04, F.S.;  
6 providing for electronic transfer of  
7 transactions of secondhand goods; authorizing  
8 the appropriate law enforcement agency to  
9 provide a secondhand dealer with a computer and  
10 necessary equipment for the electronic transfer  
11 of transactions of secondhand goods; providing  
12 procedures with respect to the electronic  
13 transfer of transactions of secondhand goods;  
14 providing an effective date.

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

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18 Section 1. Subsections (8) and (9) of section 539.001,  
19 Florida Statutes, are amended to read:

20 539.001 The Florida Pawnbroking Act.--

21 (8) PAWNBROKER TRANSACTION FORM.--

22 (a) At the time the pawnbroker enters into any pawn or  
23 purchase transaction, the pawnbroker shall complete a  
24 pawnbroker transaction form for such transaction, including an  
25 indication of whether the transaction is a pawn or a purchase,  
26 and the pledgor or seller shall sign such completed form. The  
27 agency, in consultation with the Florida Department of Law  
28 Enforcement, must approve the design and format of the  
29 pawnbroker transaction form, which must be 8 1/2 inches x 11  
30 inches in size and elicit the information required under this  
31 section. In completing the pawnbroker transaction form, the

1 pawnbroker shall record the following information, which must  
2 be typed or written indelibly and legibly in English.

3 (b) The front of the pawnbroker transaction form must  
4 include:

5 1. The name and address of the pawnshop.

6 2. A complete and accurate description of the pledged  
7 goods or purchased goods, including the following information,  
8 if applicable:

9 a. Brand name.

10 b. Model number.

11 c. Manufacturer's serial number.

12 d. Size.

13 e. Color, as apparent to the untrained eye.

14 f. Precious metal type, weight, and content, if known.

15 g. Gemstone description, including the number of  
16 stones.

17 h. In the case of firearms, the type of action,  
18 caliber or gauge, number of barrels, barrel length, and  
19 finish.

20 i. Any other unique identifying marks, numbers, names,  
21 or letters.

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23 Notwithstanding sub-subparagraphs a.-i., in the case of  
24 multiple items of a similar nature delivered together in one  
25 transaction which do not bear serial or model numbers and  
26 which do not include precious metal or gemstones, such as  
27 musical or video recordings, books, and hand tools, the  
28 description of the items is adequate if it contains the  
29 quantity of items and a description of the type of items  
30 delivered.

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- 1           3. The name, address, home telephone number, place of  
2 employment, date of birth, physical description, and right  
3 thumbprint of the pledgor or seller.
- 4           4. The date and time of the transaction.
- 5           5. The type of identification accepted from the  
6 pledgor or seller, including the issuing agency and the  
7 identification number.
- 8           6. In the case of a pawn:
- 9           a. The amount of money advanced, which must be  
10 designated as the amount financed;
- 11           b. The maturity date of the pawn, which must be 30  
12 days after the date of the pawn;
- 13           c. The default date of the pawn and the amount due on  
14 the default date;
- 15           d. The total pawn service charge payable on the  
16 maturity date, which must be designated as the finance charge;
- 17           e. The amount financed plus the finance charge that  
18 must be paid to redeem the pledged goods on the maturity date,  
19 which must be designated as the total of payments;
- 20           f. The annual percentage rate, computed according to  
21 the regulations adopted by the Federal Reserve Board under the  
22 federal Truth in Lending Act; and
- 23           g. The front or back of the pawnbroker transaction  
24 form must include a statement that:
- 25           (I) Any personal property pledged to a pawnbroker  
26 within this state which is not redeemed within 30 days  
27 following the maturity date of the pawn, if the 30th day is  
28 not a business day, then the following business day, is  
29 automatically forfeited to the pawnbroker, and absolute right,  
30 title, and interest in and to the property vests in and is  
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1 deemed conveyed to the pawnbroker by operation of law, and no  
2 further notice is necessary;

3 (II) The pledgor is not obligated to redeem the  
4 pledged goods; and

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

10 (IV) A pawn may be extended upon mutual agreement of  
11 the parties.

12 7. In the case of a purchase, the amount of money paid  
13 for the goods or the monetary value assigned to the goods in  
14 connection with the transaction.

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

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21 Any person who knowingly gives false verification of ownership  
22 or gives a false or altered identification and who receives  
23 money from a pawnbroker for goods sold or pledged commits:

24 a. If the value of the money received is less than  
25 \$300, a felony of the third degree, punishable as provided in  
26 s. 775.082, s. 775.083, or s. 775.084.

27 b. If the value of the money received is \$300 or more,  
28 a felony of the second degree, punishable as provided in s.  
29 775.082, s. 775.083, or s. 775.084.

30 (c) A pawnbroker transaction form must provide a space  
31 for the imprint of the right thumbprint of the pledgor or

1 seller and a blank line for the signature of the pledgor or  
2 seller.

3 (d) At the time of the pawn or purchase transaction,  
4 the pawnbroker shall deliver to the pledgor or seller an exact  
5 copy of the completed pawnbroker transaction form.

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

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

1 in order to meet the same recordkeeping requirements as for  
2 the original transaction form. If a criminal investigation  
3 occurs, the pawnbroker shall, upon request, provide a clear  
4 and legible copy of the image to the appropriate law  
5 enforcement official.

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

26 (c) There shall be a statewide system for collecting  
27 and accessing pawnshop ticket and secondhand dealer  
28 information as defined in chapters 538 and 539. The system  
29 shall be administered by the Florida Sheriffs' Association  
30 Statewide Task Force, which shall include the database known  
31 as the Florida Sheriffs' Property Recovery Database. This

1 database shall be the officially recognized statewide database  
2 for all pawnshop ticket and secondhand dealer information for  
3 which collection is required by law.

4 1. Any law enforcement official who is authorized by  
5 law, and who meets the requirements established by and is  
6 approved by the Florida Sheriffs' Association Statewide Task  
7 Force, shall have access to the Florida Sheriffs' Property  
8 Recovery Database in a manner prescribed by the Florida  
9 Sheriffs' Association Statewide Task Force.

10 2. In order to establish a more efficient and  
11 effective statewide system for collecting and accessing  
12 pawnshop ticket and secondhand dealer information, the  
13 sheriff, as chief law enforcement officer of the county, or  
14 the director of the department of public safety when there is  
15 no sheriff, shall be designated as the central repository for  
16 all pawnshop ticket and secondhand dealer information  
17 collected in the county. Any other law enforcement agency  
18 collecting this information shall deliver the information,  
19 once collected, to the sheriff of the county in which it is  
20 collected, or the director of the department of public safety  
21 of the county in which it is collected when there is no  
22 sheriff, in a manner prescribed by the Florida Sheriffs'  
23 Association Statewide Task Force. Upon receiving the  
24 information, the sheriff or the public safety director, as  
25 appropriate, shall cause the information to be transferred to  
26 the Florida Sheriffs' Property Recovery Database by electronic  
27 transmission or by other means approved by the Florida  
28 Sheriffs' Association Statewide Task Force.

29 3. The Florida Sheriffs' Property Recovery Database  
30 may be accessed through "FLASH," the Florida Sheriffs'  
31 statewide computer networking system, or through any other



1 means approved by the Florida Sheriffs' Association Statewide  
2 Task Force.

3 4. The Florida Sheriffs' Association Statewide Task  
4 Force shall establish the standards and requirements for  
5 transmitting and transferring the information into the  
6 statewide system and access approval and fees.

7 (d)(c) All goods delivered to a pawnbroker in a pawn  
8 or purchase transaction must be securely stored and maintained  
9 in an unaltered condition within the jurisdiction of the  
10 appropriate law enforcement official for a period of 30  
11 calendar days after the transaction. Those goods delivered to  
12 a pawnbroker in a purchase transaction may not be sold or  
13 otherwise disposed of before the expiration of such period.  
14 The pawnbroker shall make all pledged and purchased goods and  
15 all records relating to such goods available for inspection by  
16 the appropriate law enforcement official during normal  
17 business hours throughout such period. The pawnbroker must  
18 store and maintain pledged goods for the period prescribed in  
19 subsection (10) unless the pledged goods are redeemed earlier;  
20 provided, however, that within the first 30 days after the  
21 original pawn, the pledged goods may be redeemed only by the  
22 pledgor or the pledgor's attorney in fact.

23 Section 2. Subsections (4) and (5) of section 538.04,  
24 Florida Statutes, 1998 Supplement, are renumbered as  
25 subsections (5) and (6), respectively, and a new subsection  
26 (4) is added to said section to read:

27 538.04 Recordkeeping requirements; penalties.--

28 (4) If the appropriate law enforcement agency supplies  
29 the appropriate software and the secondhand dealer presently  
30 has computer capability, transactions of secondhand goods  
31 shall be electronically transferred. If a secondhand dealer

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

19 (5)~~(4)~~ Any person who knowingly gives false  
20 verification of ownership or who gives a false or altered  
21 identification, and who receives money from a secondhand  
22 dealer for goods sold or pledged commits:

23 (a) If the value of the money received is less than  
24 \$300, a misdemeanor of the first degree, punishable as  
25 provided in s. 775.082 or s. 775.083.

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

29 (6)~~(5)~~ Secondhand dealers are exempt from the  
30 provisions of this section for all transactions involving

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1 secondhand sports equipment except secondhand sports equipment  
2 that is permanently labeled with a serial number.

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

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7 HOUSE SUMMARY

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

19 Provides for a statewide system for collecting and  
20 accessing pawnshop ticket and secondhand dealer  
21 information. Requires the Florida Sheriffs' Association  
22 Statewide Task Force to administer the system. Provides  
23 authorized law enforcement officials access to the  
24 Florida Sheriffs' Association Property Recovery Database.  
25 Designates the sheriffs or public safety directors as  
26 central repositories responsible for all pawnshop ticket  
27 and secondhand dealer information collected in each  
28 county. Requires the sheriffs or public safety directors  
29 in each county to transfer such information to the  
30 statewide property recovery database. Provides for the  
31 establishment of standards and requirements with respect  
to the transfer of such information. Provides for access  
and approval fees.

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