

By Senator Geller

29-1372-02

1 A bill to be entitled
2 An act relating to pawnbrokers; amending s.
3 539.001, F.S.; requiring pawnshops to be
4 managed by certified pawnshop managers, as
5 defined; requiring certain training for
6 pawnshop employees; providing requirements for
7 licensure as a certified pawnshop manager;
8 providing education requirements for such
9 managers; prescribing standards for persons
10 offering such education and requiring their
11 licensure; prohibiting certain acts by
12 licensees and applicants; providing penalties;
13 providing an effective date.

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

17 Section 1. Paragraphs (v) and (w) are added to
18 subsection (2) of section 539.001, Florida Statutes, paragraph
19 (c) of subsection (3) of that section is amended and paragraph
20 (g) is added to that subsection, paragraphs (d) and (e) are
21 added to subsection (4) of that section, paragraphs (f)
22 through (h) are added to subsection (5) of that section,
23 paragraphs (o) and (p) are added to subsection (12) of that
24 section, and subsections (22) and (23) are added to that
25 section, to read:

26 539.001 The Florida Pawnbroking Act.--
27 (2) DEFINITIONS.--As used in this section, the term:
28 (v) "Certified pawnshop" means a pawnshop the
29 employees of which have participated in an employee training
30 program that is provided by the licensee or the licensee's

31

1 certified pawnshop manager and based upon information obtained
2 from the certified pawnshop manager program.

3 (w) "Certified pawnshop manager" means a person who
4 has been licensed by the department and who is in charge of
5 and responsible for the operation of a specific pawnshop.

6 (3) LICENSE REQUIRED.--

7 (c) Each license is valid for a period of 1 year
8 unless it is earlier relinquished, suspended, or revoked. Each
9 license shall be renewed annually, and each licensee shall,
10 initially and annually thereafter, pay to the agency a license
11 fee of \$300 for each license held. At the time of renewal, the
12 licensee must demonstrate to the department that each pawnshop
13 for which the licensee is licensed qualifies as a certified
14 pawnshop. This requirement may be satisfied by the licensee or
15 the licensee's certified pawnshop manager's providing an
16 education and training program to the licensee's employees
17 which is based on the certified pawnshop manager education
18 program.

19 (g) Each pawnshop must have a certified pawnshop
20 manager who shall operate the pawnshop under such manager's
21 full charge, control, and supervision. The certified pawnshop
22 manager must be licensed under subsection (5). Each pawnbroker
23 shall maintain a form as prescribed by the department
24 indicating the pawnbroker's designation of the certified
25 pawnshop manager for a particular pawnshop and the
26 individual's acceptance of such responsibility. If the form is
27 unavailable, inaccurate, or incomplete, it is deemed that the
28 pawnshop was operated in the full charge, control, and
29 supervision by each officer, director, or ultimate equitable
30 owner of a 10-percent or greater interest in the pawnbroker,
31 or any other person in a similar capacity.

1 (4) ELIGIBILITY FOR LICENSE.--
2 (d) To be eligible to be licensed as a certified
3 pawnshop manager, an applicant must:
4 1. Be of good moral character;
5 2. Not have been convicted of, found guilty of, or
6 pled guilty or nolo contendere to, or incarcerated within the
7 last 10 years as a result of having been convicted of, found
8 guilty of, or pled guilty or nolo contendere to, regardless of
9 adjudication, a crime that involves theft, larceny, dealing in
10 stolen property, receiving stolen property, burglary,
11 embezzlement, obtaining property by false pretenses,
12 possession of altered property, or any other fraudulent or
13 dishonest dealing within the last 10 years; and
14 3. Complete, within 1 year of the date of being
15 designated by the pawnbroker as manager, 15 hours of classroom
16 education on legal and ethical considerations in pawnshop
17 transactions, victims' rights, safety and security, consumer
18 and community relations, and the laws and related rules of ss.
19 539.001-539.003. The department may adopt rules regarding
20 qualifying hours. At a minimum, 50 percent of the required
21 hours must be satisfied by attendance at a live lecture or
22 live seminar.
23 (e) To be eligible to be licensed to offer classroom
24 education to persons licensed as certified pawnshop managers
25 and persons seeking such licensure, an applicant must pay a
26 nonrefundable application fee of \$1,000.
27 (5) APPLICATION FOR LICENSE.--
28 (f) An application of a certified pawnshop manager's
29 license must be under oath and must state the full name and
30 place of residence of the applicant and other relevant
31 information required by the department.

1 (g) Each initial application for a certified pawnshop
2 manager's license must be accompanied by a complete set of
3 fingerprints taken by an authorized law enforcement officer
4 and the actual cost to the department for fingerprint analysis
5 for each person subject to the eligibility requirements. The
6 department shall submit the fingerprints to the Department of
7 Law Enforcement for state processing, and the Department of
8 Law Enforcement shall forward the fingerprints to the Federal
9 Bureau of Investigation for a national criminal history check.
10 These fees and costs are not refundable. A person who is
11 currently licensed as a pawnbroker is not required to submit a
12 set of fingerprints with an application for a certified
13 pawnbroker's license. The department shall provide by rule for
14 the annual renewal of licenses granted to persons under this
15 paragraph.

16 (h) When the application and the required fees, if
17 applicable, are received, the department shall investigate the
18 facts, approve the application, and issue a license to the
19 applicant if it finds that the eligibility requirements for
20 the certified pawnshop manager's license are satisfied. The
21 license must be prominently displayed at the front desk or
22 counter at each pawnshop managed by the certified pawnshop
23 manager.

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

26 (o) Operate a pawnshop without designating on the
27 proper form a certified pawnshop manager.

28 (p) Fail to display a pawnbroker's license and a
29 certified pawnshop manager's license at each pawnshop.

30 (22) CERTIFIED PAWNSHOP MANAGERS.--
31

1 (a) A certified pawnshop manager may manage no more
2 than one pawnshop, except that he or she may manage up to two
3 additional pawnshops for a period of no more than 180 days,
4 during which time he or she must designate additional pawnshop
5 managers, who must obtain licensure from the department and
6 complete the educational requirements so that each individual
7 pawnshop is under the managerial control of a certified
8 pawnshop manager.

9 (b) To remain licensed as a certified pawnshop
10 manager, a licensee must annually complete 10 hours of
11 classroom education on legal and ethical considerations in
12 pawnshop transactions, victims' rights, safety and security,
13 consumer and community relations, and the laws and related
14 rules of ss. 539.001-539.003. At a minimum, 50 percent of
15 these hours must be satisfied by attendance at a live lecture
16 or live seminar.

17 (23) CLASSROOM EDUCATION PROVIDERS.--Persons licensed
18 to offer classroom education to persons licensed as certified
19 pawnshop managers and persons seeking such licensure are
20 subject to the following:

21 (a) The licensee must comply with requirements imposed
22 on him or her by this chapter and rules adopted under this
23 chapter. Licenses are renewable annually; the department may
24 set initial and renewal license fees, which may not exceed
25 \$2,000.

26 (b) Each person licensed under this subsection must
27 maintain curriculum and education materials necessary to
28 determine compliance with this chapter and rules adopted under
29 this chapter. Any person who offers or conducts classroom
30 education shall at all times maintain a plan of education,
31 materials, and curriculum which is open to review by the

1 department to determine compliance and competency to provide
2 the classroom education required by this chapter.

3 (c) The location and the frequency of classes are in
4 the discretion of the person offering the classroom education,
5 as long as such courses conform to this chapter and related
6 rules adopted by the department.

7 (d) It is unlawful for any person to offer or conduct
8 the classroom education required for persons licensed as
9 certified pawnshop managers and persons seeking such licensure
10 without first procuring a license from the department.

11 Violation of this paragraph constitutes a misdemeanor of the
12 second degree, punishable as provided in s. 775.082 or s.
13 775.083.

14 Section 2. Paragraphs (n) and (o) of subsection (12)
15 of section 539.001, Florida Statutes, as created by this act
16 shall take effect December 31, 2002. Otherwise, this act shall
17 take effect July 1, 2002.

18
19 *****

20 SENATE SUMMARY

21 Requires that each pawnshop be managed by a certified
22 pawnshop manager. Requires such persons to be licensed
23 and further requires them to meet both initial and
24 continuing requirements. Requires licensure of persons
25 offering such training. Prohibiting certain acts relating
26 to these requirements. (See bill for details.)
27
28
29
30
31