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A bill to be entitled

An act relating to pawnbroking; amending s. 539.001, F.S.; revising provisions relating to the "Florida Pawnbroking Act"; revising definition of the term "permitted vendor" and defining the term "waiver of prosecution"; providing a requirement with respect to application for or renewal of a pawnbroker's license; providing for suspension or revocation of a license for failure to comply; revising requirements for completion and retention of pawnbroker transaction forms; requiring certain labeling of property; prohibiting certain activity with respect to title loan agreements; revising requirements relating to petition for return of misappropriated property; providing a petition form; authorizing criminal proceedings; clarifying provisions relating to hold orders; providing penalties; amending s. 539.002, F.S.; providing that ch. 537, F.S., relating to title loans, does not apply to pawnbrokers licensed under the Florida Pawnbroking Act; providing an effective date.

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

Section 1. Section 539.001, Florida Statutes, is amended to read:

539.001 The Florida Pawnbroking Act.--

(1) SHORT TITLE.--This section may be cited as the "Florida Pawnbroking Act."

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

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29 (a) "Agency" means the Department of Agriculture and  
 30 Consumer Services.

31 (b) "Appropriate law enforcement official" means the  
 32 sheriff of the county in which a pawnshop is located or, in case  
 33 of a pawnshop located within a municipality, the police chief of  
 34 the municipality in which the pawnshop is located; however, any  
 35 sheriff or police chief may designate as the appropriate law  
 36 enforcement official for the county or municipality, as  
 37 applicable, any law enforcement officer working within the  
 38 county or municipality headed by that sheriff or police chief.  
 39 Nothing in this subsection limits the power and responsibilities  
 40 of the sheriff.

41 (c) "Claimant" means a person who claims that his or her  
 42 property was misappropriated.

43 (d) "Conveying customer" means a person who delivers  
 44 property into the custody of a pawnbroker, either by pawn, sale,  
 45 consignment, or trade.

46 (e) "Identification" means a government-issued  
 47 photographic identification or an electronic image taken from a  
 48 government-issued photographic identification.

49 (f) "Misappropriated" means stolen, embezzled, converted,  
 50 or otherwise wrongfully appropriated against the will of the  
 51 rightful owner.

52 (g) "Net worth" means total assets less total liabilities.

53 (h) "Pawn" means any advancement of funds on the security  
 54 of pledged goods on condition that the pledged goods are left in  
 55 the possession of the pawnbroker for the duration of the pawn  
 56 and may be redeemed by the pledgor on the terms and conditions  
 57 contained in this section.

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58 (i) "Pawnbroker" means any person who is engaged in the  
 59 business of making pawns; who makes a public display containing  
 60 the term "pawn," "pawnbroker," or "pawnshop" or any derivative  
 61 thereof; or who publicly displays a sign or symbol historically  
 62 identified with pawns. A pawnbroker may also engage in the  
 63 business of purchasing goods which includes consignment and  
 64 trade.

65 (j) "Pawnbroker transaction form" means the instrument on  
 66 which a pawnbroker records pawns and purchases as provided in  
 67 subsection (8).

68 (k) "Pawn service charge" means a charge for investigating  
 69 the title, storage, and insuring of the security; closing the  
 70 transaction; making daily reports to appropriate law enforcement  
 71 officials; expenses and losses; and all other services.

72 (l) "Pawnshop" means the location at which a pawnbroker  
 73 conducts business.

74 (m) "Permitted vendor" means a vendor who furnishes a  
 75 pawnbroker with a uniquely numbered ~~an~~ invoice specifying the  
 76 vendor's name and address, the date of the sale, a description  
 77 of the items sold, and the sales price, and who has an  
 78 established place of business, or, in the case of a secondhand  
 79 dealer as defined in s. 538.03, has represented in writing that  
 80 such dealer has complied with all applicable recordkeeping,  
 81 reporting, and retention requirements pertaining to goods sold  
 82 or otherwise delivered to a pawnbroker.

83 (n) "Person" means an individual, partnership,  
 84 corporation, joint venture, trust, association, or other legal  
 85 entity.

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86 (o) "Pledged goods" means tangible personal property that  
87 is deposited with, or otherwise delivered into the possession of  
88 a pawnbroker in connection with a pawn. "Pledged goods" does not  
89 include titles or any other form of written security in tangible  
90 property in lieu of actual physical possession, including, but  
91 not limited to, choses in action, securities, printed evidence  
92 of indebtedness, or certificates of title and other instruments  
93 evidencing title to separate items of property, including motor  
94 vehicles. For purposes of federal and state bankruptcy laws, a  
95 pledgor's interest in his or her pledged goods during the  
96 pendency of a pawn is a right of redemption only.

97 (p) "Pledgor" means an individual who delivers pledged  
98 goods into the possession of a pawnbroker in connection with a  
99 pawn.

100 (q) "Purchase" means the transfer and delivery of goods,  
101 by a person other than a permitted vendor, to a pawnbroker by  
102 acquisition for value, consignment, or trade for other goods.

103 (r) "Amount financed" is used interchangeably to mean the  
104 same as "amount of money advanced" or "principal amount".

105 (s) "Default date" means that date upon which the  
106 pledgor's right of redemption expires and absolute right, title,  
107 and interest in and to the pledged goods shall vest in and shall  
108 be deemed conveyed to the pawnbroker by operation of law.

109 (t) "Beneficial owner" means a person who does not have  
110 title to property but has rights in the property which are the  
111 normal incident of owning the property.

112 (u) "Operator" means a person who has charge of a  
113 corporation or company and has control of its business, or of  
114 its branch establishments, divisions, or departments, and who is

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115 vested with a certain amount of discretion and independent  
 116 judgment.

117 (v) "Waiver of prosecution" means a signed instrument by  
 118 which a claimant knowingly and voluntarily relinquishes a legal  
 119 right to have continued an official law enforcement  
 120 investigation by an appropriate law enforcement official or to  
 121 have a person prosecuted regarding a criminal complaint.

122 (3) LICENSE REQUIRED.--

123 (a) A person may not engage in business as a pawnbroker  
 124 unless the person has a valid license issued by the agency. A  
 125 separate license is required for each pawnshop. The agency must  
 126 issue more than one license to a person if that person complies  
 127 with the requirements for each license.

128 (b) A licensee who seeks to move a pawnshop to another  
 129 location must give 30 days' prior written notice to the agency  
 130 by certified or registered mail, return receipt requested, and  
 131 the agency must then amend the license to indicate the new  
 132 location. The licensee must also give such written notice to the  
 133 appropriate law enforcement official.

134 (c) Each license is valid for a period of 1 year unless it  
 135 is earlier relinquished, suspended, or revoked. Each license  
 136 shall be renewed annually, and each licensee shall, initially  
 137 and annually thereafter, pay to the agency a license fee of \$300  
 138 for each license held.

139 (d) The agency may issue a temporary pawnbroker's license  
 140 for the operation of a pawnshop either upon receipt of an  
 141 application to transfer an existing license from one person to  
 142 another or upon receipt of an application for a license  
 143 involving principals and owners that are substantially identical

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144 to those of the existing licensee. The temporary license is  
 145 effective until the permanent license is issued or denied by the  
 146 agency.

147 (e) A person must apply to the agency for a new license or  
 148 for a temporary license upon any change, directly or  
 149 beneficially, in the ownership of any pawnshop. An application  
 150 for a license or an application to transfer an existing license  
 151 is not required upon any change, directly or beneficially, in  
 152 the ownership of a pawnshop if one or more holders of at least  
 153 90 percent of the outstanding equity interest of the pawnshop  
 154 before the change in ownership continue to hold at least 90  
 155 percent of the outstanding equity interest after the change in  
 156 ownership.

157 (f) Any person applying for or renewing a state  
 158 pawnbroker's license must first procure a local occupational  
 159 pawnbroker's license, if applicable, and must supply proof of  
 160 same to the agency ~~license to engage in business as a pawnbroker~~  
 161 ~~must exhibit a current license from the agency~~ before a state  
 162 pawnbroker's ~~the local occupational~~ license may be issued or  
 163 reissued.

164 (4) ELIGIBILITY FOR LICENSE.--

165 (a) To be eligible for a pawnbroker's license, an  
 166 applicant must:

- 167 1. Be of good moral character;
- 168 2. Have a net worth of at least \$50,000 or file with the  
 169 agency a bond issued by a surety company qualified to do  
 170 business in this state in the amount of \$10,000 for each  
 171 license. In lieu of the bond required in this section, the  
 172 applicant may establish a certificate of deposit or an

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173 irrevocable letter of credit in a Florida banking institution in  
 174 the amount of the bond. The original bond, certificate of  
 175 deposit, or letter of credit shall be filed with the agency, and  
 176 the agency shall be the beneficiary to said document. The bond,  
 177 certificate of deposit, or letter of credit shall be in favor of  
 178 the agency for the use and benefit of any consumer who is  
 179 injured by the fraud, misrepresentation, breach of contract,  
 180 financial failure, or violation of any provision of this section  
 181 by the pawnbroker. Such liability may be enforced either by  
 182 proceeding in an administrative action or by filing a judicial  
 183 suit at law in a court of competent jurisdiction. However, in  
 184 such court suit, the bond, certificate of deposit, or letter of  
 185 credit posted with the agency shall not be amenable or subject  
 186 to any judgment or other legal process issuing out of or from  
 187 such court in connection with such lawsuit, but such bond,  
 188 certificate of deposit, or letter of credit shall be amenable to  
 189 and enforceable only by and through administrative proceedings  
 190 before the agency. It is the intent of the Legislature that such  
 191 bond, certificate of deposit, or letter of credit shall be  
 192 applicable and liable only for the payment of claims duly  
 193 adjudicated by order of the agency. The bond, certificate of  
 194 deposit, or letter of credit shall be payable on a pro rata  
 195 basis as determined by the agency, but the aggregate amount may  
 196 not exceed the amount of the bond, certificate of deposit, or  
 197 letter of credit;

198         3. Not have been convicted of, or found guilty of, or pled  
 199 guilty or nolo contendere to, or not have been incarcerated  
 200 within the last 10 years as a result of having previously been  
 201 convicted of, or found guilty of, or pled guilty or nolo

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202 | contendere to, regardless of adjudication, a felony within the  
 203 | last 10 years and not be acting as a beneficial owner for  
 204 | someone who has been convicted of, or found guilty of, or pled  
 205 | guilty or nolo contendere to, regardless of adjudication, a  
 206 | felony within the last 10 years; and

207 |       4. Not have been convicted of, or found guilty of, or pled  
 208 | guilty or nolo contendere to, or not have been incarcerated  
 209 | within the last 10 years as a result of having previously been  
 210 | convicted of, or found guilty of, or pled guilty or nolo  
 211 | contendere to, regardless of adjudication, a crime that involves  
 212 | theft, larceny, dealing in stolen property, receiving stolen  
 213 | property, burglary, embezzlement, obtaining property by false  
 214 | pretenses, possession of altered property, or any other  
 215 | fraudulent or dishonest dealing within the last 10 years, and  
 216 | not be acting as a beneficial owner for someone who has been  
 217 | convicted, of, or found guilty of, or pled guilty or nolo  
 218 | contendere to, or has been incarcerated within the last 10 years  
 219 | as a result of having previously been convicted of, or found  
 220 | guilty of, or pled guilty or nolo contendere to, regardless of  
 221 | adjudication, a crime that involves theft, larceny, dealing in  
 222 | stolen property, receiving stolen property, burglary,  
 223 | embezzlement, obtaining property by false pretenses, possession  
 224 | of altered property, or any other fraudulent or dishonest  
 225 | dealing within the last 10 years.

226 |       (b) Any applicant claiming to have a net worth of \$50,000  
 227 | or more shall file with the agency, at the time of applying for  
 228 | a license, the following documentation:

229 |       1. A current financial statement prepared by a Florida  
 230 | certified public accountant; or



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231 2. An affidavit stating the applicant's net worth is at  
 232 least \$50,000, accompanied by supporting documentation; or

233 3. If the applicant is a corporation, a copy of the  
 234 applicant's most recently filed federal tax return.

235  
 236 If the agency cannot verify that the applicant meets the net  
 237 worth requirement for a license, the agency may require a  
 238 finding, including the presentation of a current balance sheet,  
 239 by an accounting firm or individual holding a permit to practice  
 240 public accounting in this state, that the accountant has  
 241 reviewed the books and records of the applicant and that the  
 242 applicant meets the net worth requirement.

243 (c) If an applicant for a pawnbroker's license is not an  
 244 individual, the eligibility requirements of this subsection,  
 245 other than the requirements of subparagraph (a)2., apply to each  
 246 operator of the pawnshop and to each direct or beneficial owner  
 247 of at least 10 percent of the outstanding equity interest of the  
 248 pawnshop and, if the applicant is a corporation, to each officer  
 249 and director of the corporation.

250 (5) APPLICATION FOR LICENSE.--

251 (a) An application for a pawnbroker's license, for the  
 252 transfer of an existing pawnbroker's license, or for the  
 253 approval of a change in the ownership of a licensee's pawnshop  
 254 must be under oath and must state the full name and place of  
 255 residence of the applicant, the place where the business is to  
 256 be conducted, and other relevant information required by the  
 257 agency.

258 (b)1. If the applicant is not an individual, the applicant  
 259 must state the full name and address of each direct or

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260 beneficial owner of at least a 10-percent equity interest in  
 261 such person. If the applicant is a corporation, the application  
 262 must also state the full name and address of each officer and  
 263 director.

264 2. Notwithstanding the provisions of subparagraph 1., the  
 265 application need not state the full name and address of each  
 266 officer, director, and shareholder if the applicant is owned  
 267 directly or beneficially by a person that as an issuer has a  
 268 class of securities registered under s. 12 of the Securities  
 269 Exchange Act of 1934, or under s. 15(d) thereof, and is an  
 270 issuer of registered securities required to file reports with  
 271 the Securities and Exchange Commission and if the person files  
 272 with the agency the information, documents, and reports required  
 273 to be filed with the Securities and Exchange Commission.

274 (c) Each initial application for a license must be  
 275 accompanied by a complete set of fingerprints taken by an  
 276 authorized law enforcement officer, \$300 for the first year's  
 277 license fee, and the actual cost to the agency for fingerprint  
 278 analysis for each person subject to the eligibility  
 279 requirements. The agency shall submit the fingerprints to the  
 280 Department of Law Enforcement for state processing, and the  
 281 Department of Law Enforcement shall forward the fingerprints to  
 282 the Federal Bureau of Investigation for a national criminal  
 283 history check. These fees and costs are not refundable.

284 (d) When the application and the required fees are  
 285 received, the agency shall investigate the facts, approve the  
 286 application, and issue a license to the applicant if the agency  
 287 finds that the eligibility requirements for the license are

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288 satisfied. The license must be prominently displayed at the  
 289 front desk or counter at each pawnshop.

290 (e) Fees and fines collected under this section by the  
 291 agency shall be deposited into the General Inspection Trust  
 292 Fund.

293 (6) SUSPENSION, REVOCATION, AND SURRENDER OF LICENSE; NET  
 294 WORTH REQUIREMENT.--

295 (a) The agency may, after notice and a hearing, suspend or  
 296 revoke any license upon a finding that:

297 1. The licensee, either knowingly or without the exercise  
 298 of due care, has violated this section or has aided or conspired  
 299 with another person to violate this section;

300 2. A condition exists that, had it existed when the  
 301 license was issued, would have justified the agency's refusal to  
 302 issue a license;

303 3. The licensee or its applicable agents or employees who  
 304 are subject to the eligibility requirements no longer meet the  
 305 eligibility requirements to hold a pawnbroker's license; ~~or~~

306 4. The licensee has through gross negligence or willful  
 307 noncompliance failed to comply with a written hold order; or

308 5. The licensee failed to obtain or renew any license that  
 309 is required by the local government with appropriate  
 310 jurisdiction.

311 (b) The agency may conditionally license or place on  
 312 probation a person whose license has been suspended or may  
 313 reprimand a licensee for a violation of this section.

314 (c) The manner of giving notice and conducting a hearing,  
 315 as required by paragraph (a), must conform to chapter 120.

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316 (d) Any licensee may surrender a license by delivering it,  
 317 by certified or registered mail, return receipt requested, to  
 318 the agency with written notice of its surrender. The surrender  
 319 of a license does not affect the civil or criminal liability of  
 320 the licensee for acts committed before the surrender of the  
 321 license.

322 (e) The revocation, suspension, or surrender of a license  
 323 does not impair or affect the obligation of any preexisting  
 324 lawful contract between the licensee and any pledgor. Any pawn  
 325 transaction made by a person without benefit of a license is  
 326 voidable, in which case the person forfeits the right to collect  
 327 any moneys, including principal and any charges, from the  
 328 pledgor in connection with such transaction and is obligated to  
 329 return to the pledgor the pledged goods in connection with such  
 330 transaction.

331 (f) The agency may reinstate a suspended license or issue  
 332 a new license to a person whose license has been revoked, if  
 333 after a hearing it determines that no fact or condition then  
 334 exists that would have justified the agency in originally  
 335 refusing to issue a license.

336 (g) Each licensee must maintain a net worth of \$50,000 or  
 337 the bond specified in subsection (4).

338 (7) ORDERS IMPOSING PENALTIES.--

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

342 1. Violated or is operating in violation of any of the  
 343 provisions of this section or of the rules adopted or orders  
 344 issued thereunder;

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

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

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

355           5. Has intentionally defrauded the public through  
 356 dishonest or deceptive means.

357           (b) Upon a finding as set forth in paragraph (a), the  
 358 agency may enter an order doing one or more of the following:

359           1. Issuing a notice of noncompliance pursuant to s.  
 360 120.695.

361           2. Imposing an administrative fine not to exceed \$5,000  
 362 for each act which constitutes a violation of this section or a  
 363 rule or an order.

364           3. Directing that the pawnbroker cease and desist  
 365 specified activities.

366           4. Refusing to license or revoking or suspending a  
 367 license.

368           5. Placing the licensee on probation for a period of time,  
 369 subject to such conditions as the agency may specify.

370           (c) The administrative proceedings which could result in  
 371 the entry of an order imposing any of the penalties specified in  
 372 paragraph (b) are governed by chapter 120.

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373 (d)1. When the agency, if a violation of this section  
 374 occurs, has reasonable cause to believe that a person is  
 375 operating in violation of this section, the agency may bring a  
 376 civil action in the appropriate court for temporary or permanent  
 377 injunctive relief and may seek other appropriate civil relief,  
 378 including a civil penalty not to exceed \$5,000 for each  
 379 violation, restitution and damages for injured customers, court  
 380 costs, and reasonable attorney's fees.

381 2. The agency may terminate any investigation or action  
 382 upon agreement by the offender to pay a stipulated civil  
 383 penalty, to make restitution or pay damages to customers, or to  
 384 satisfy any other relief authorized herein and requested by the  
 385 agency.

386 (e) The remedies provided for in this subsection shall be  
 387 in addition to any other remedy provided by law.

388 (8) PAWNBROKER TRANSACTION FORM.--

389 (a) At the time the pawnbroker enters into any pawn or  
 390 purchase transaction, the pawnbroker shall complete a pawnbroker  
 391 transaction form for such transaction, including an indication  
 392 of whether the transaction is a pawn or a purchase, unless the  
 393 conveying customer is a permitted vendor. ~~and~~ The pledgor or  
 394 seller shall sign such completed form. The agency must approve  
 395 the design and format of the pawnbroker transaction form, which  
 396 must be 8<sup>1</sup>/<sub>2</sub> inches x 11 inches in size and elicit the  
 397 information required under this section. In completing the  
 398 pawnbroker transaction form, the pawnbroker shall record the  
 399 following information, which must be typed or written indelibly  
 400 and legibly in English.

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401 (b) The front of the pawnbroker transaction form must  
 402 include:

403 1. The name and address of the pawnshop and a unique  
 404 transaction form number which shall also be used for inventory  
 405 tracking purposes.

406 2. A complete and accurate description of the pledged  
 407 goods or purchased goods, including the following information,  
 408 if applicable:

409 a. Brand name.

410 b. Model number.

411 c. Manufacturer's serial number.

412 d. Size.

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

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

415 g. Gemstone description, including the number of stones.

416 h. In the case of firearms, the type of action, caliber or  
 417 gauge, number of barrels, barrel length, and finish.

418 i. Any other unique identifying marks, numbers, names, or  
 419 letters.

420  
 421 Notwithstanding sub-subparagraphs a.-i., in the case of multiple  
 422 items of a similar nature delivered together in one transaction  
 423 which do not bear serial or model numbers and which do not  
 424 include precious metal or gemstones, such as musical or video  
 425 recordings, books, and hand tools, the description of the items  
 426 is adequate if it contains the quantity of items and a  
 427 description of the type of items delivered.

428 3. The name, current local residential address, home  
 429 telephone number, place of employment, place of employment

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430 telephone number, date of birth, physical description, and a  
 431 legible right thumbprint of the pledgor or seller.

432 4. The date and time of the transaction.

433 5. The type of identification accepted from the pledgor or  
 434 seller, including the issuing agency and the identification  
 435 number.

436 6. In the case of a pawn:

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

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

441 c. The default date of the pawn and the amount due on the  
 442 default date;

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

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

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

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

453 (I) Any personal property pledged to a pawnbroker within  
 454 this state which is not redeemed within 30 days following the  
 455 maturity date of the pawn, if the 30th day is not a business  
 456 day, then the following business day, is automatically forfeited  
 457 to the pawnbroker, and absolute right, title, and interest in  
 458 and to the property vests in and is deemed conveyed to the



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459 pawnbroker by operation of law, and no further notice is  
 460 necessary;

461 (II) The pledgor is not obligated to redeem the pledged  
 462 goods; and

463 (III) If the pawnbroker transaction form is lost,  
 464 destroyed, or stolen, the pledgor must immediately advise the  
 465 issuing pawnbroker in writing by certified or registered mail,  
 466 return receipt requested, or in person evidenced by a signed  
 467 receipt.

468 (IV) A pawn may be extended upon mutual agreement of the  
 469 parties.

470 7. In the case of a purchase, the amount of money paid for  
 471 the goods or the monetary value assigned to the goods in  
 472 connection with the transaction.

473 8. A statement that the pledgor or seller of the item  
 474 represents and warrants that it is not stolen, that it has no  
 475 liens or encumbrances against it, and that the pledgor or seller  
 476 is the rightful owner of the goods and has the right to enter  
 477 into the transaction.

478  
 479 Any person who knowingly gives false verification of ownership  
 480 or gives a false or altered identification and who receives  
 481 money from a pawnbroker for goods sold or pledged commits:

482 a. If the value of the money received is less than \$300, a  
 483 felony of the third degree, punishable as provided in s.  
 484 775.082, s. 775.083, or s. 775.084.

485 b. If the value of the money received is \$300 or more, a  
 486 felony of the second degree, punishable as provided in s.  
 487 775.082, s. 775.083, or s. 775.084.

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488 (c) A pawnbroker transaction form must provide a space for  
 489 the imprint of the right thumbprint of the pledgor or seller and  
 490 a blank line for the signature of the pledgor or seller.

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

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

495 (a) A pawnbroker must maintain a copy of each completed  
 496 pawnbroker transaction form on the pawnshop premises for at  
 497 least 1 year after the date of the transaction. However, the  
 498 pawnbroker transaction form for any property that is still on or  
 499 within the pawnshop premises after 1 year must remain on or  
 500 within the pawnshop premises until such time as all property  
 501 listed on the pawnbroker transaction form is removed from the  
 502 pawnshop premises. On or before the end of each business day,  
 503 the pawnbroker must deliver to the appropriate law enforcement  
 504 official the original pawnbroker transaction forms for each of  
 505 the transactions occurring during the previous business day,  
 506 unless other arrangements have been agreed upon between the  
 507 pawnbroker and the appropriate law enforcement official. If the  
 508 original transaction form is lost or destroyed by the  
 509 appropriate law enforcement official, a copy may be used by the  
 510 pawnbroker as evidence in court. When an electronic image of a  
 511 pledgor or seller identification is accepted for a transaction,  
 512 the pawnbroker must maintain the electronic image in order to  
 513 meet the same recordkeeping requirements as for the original  
 514 transaction form. If a criminal investigation occurs, the  
 515 pawnbroker shall, upon request, provide a clear and legible copy  
 516 of the image to the appropriate law enforcement official.

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517 (b) If the appropriate law enforcement agency supplies the  
 518 appropriate software and the pawnbroker presently has the  
 519 computer ability, pawn transactions shall be electronically  
 520 transferred. If a pawnbroker does not presently have the  
 521 computer ability, the appropriate law enforcement agency may  
 522 provide the pawnbroker with a computer and all necessary  
 523 equipment for the purpose of electronically transferring pawn  
 524 transactions. The appropriate law enforcement agency shall  
 525 retain ownership of the computer, unless otherwise agreed upon.  
 526 The pawnbroker shall maintain the computer in good working  
 527 order, ordinary wear and tear excepted. In the event the  
 528 pawnbroker transfers pawn transactions electronically, the  
 529 pawnbroker is not required to also deliver to the appropriate  
 530 law enforcement official the original or copies of the  
 531 pawnbroker transaction forms. The appropriate law enforcement  
 532 official may, for the purposes of a criminal investigation,  
 533 request that the pawnbroker produce an original of a transaction  
 534 form that has been electronically transferred. The pawnbroker  
 535 shall deliver this form to the appropriate law enforcement  
 536 official within 24 hours of the request.

537 (c) All goods delivered to a pawnbroker in a pawn or  
 538 purchase transaction must be securely stored and maintained in  
 539 an unaltered condition within the jurisdiction of the  
 540 appropriate law enforcement official for a period of 30 calendar  
 541 days after the transaction. Those goods delivered to a  
 542 pawnbroker in a purchase transaction may not be sold or  
 543 otherwise disposed of before the expiration of such period. The  
 544 pawnbroker shall make all pledged and purchased goods and all  
 545 records relating to such goods available for inspection by the

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546 appropriate law enforcement official during normal business  
547 hours throughout such period. The pawnbroker must store and  
548 maintain pledged goods for the period prescribed in subsection  
549 (10) unless the pledged goods are redeemed earlier; provided,  
550 however, that within the first 30 days after the original pawn,  
551 the pledged goods may be redeemed only by the pledgor or the  
552 pledgor's attorney in fact.

553 (d) All property on or within the pawnshop premises shall  
554 be labeled with the pawnbroker transaction form number that was  
555 assigned by the pawnbroker at the time the property was obtained  
556 by the pawnbroker through a pawn or purchase transaction or an  
557 inventory number from the invoice of goods acquired from a  
558 permitted vendor.

559 (10) PLEDGED GOODS NOT REDEEMED.--Pledged goods not  
560 redeemed by the pledgor on or before the maturity date of a pawn  
561 must be held by the pawnbroker for at least 30 days following  
562 such date or until the next business day, if the 30th day is not  
563 a business day. Pledged goods not redeemed within the 30-day  
564 period following the maturity date of a pawn are automatically  
565 forfeited to the pawnbroker; absolute right, title, and interest  
566 in and to the goods shall vest in and shall be deemed conveyed  
567 to the pawnbroker by operation of law; and no further notice is  
568 necessary. A pledgor has no obligation to redeem pledged goods  
569 or make any payment on a pawn.

570 (11) PAWN SERVICE CHARGES.--

571 (a) In a pawn transaction, a pawnbroker may contract for  
572 and receive a pawn service charge. The interest component of the  
573 pawn service charge shall be deemed to be 2 percent of the  
574 amount financed for each 30-day period in a pawn transaction.

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575 The pawnbroker may charge any amount of pawn service charge, so  
576 long as the total amount, inclusive of the interest component,  
577 does not exceed 25 percent of the amount financed for each 30-  
578 day period in a pawn transaction, except that the pawnbroker is  
579 entitled to receive a minimum pawn service charge of \$5 for each  
580 such 30-day period.

581 (b) The default date of any pawn may be extended to a  
582 subsequent date by mutual agreement, between the pledgor and the  
583 pawnbroker except the pawnbroker may not impose a minimum  
584 duration of more than 30 days, evidenced by a written  
585 memorandum, a copy of which must be supplied to the pledgor,  
586 which must clearly specify the new default date, and the pawn  
587 service charges owed on the new default date. In this event, the  
588 daily pawn service charge for the extension shall be equal to  
589 the pawn service charge for the original 30-day period divided  
590 by 30 days (i.e., one-thirtieth of the original total pawn  
591 service charge). There is no limit on the number of extensions  
592 that the parties may agree to.

593 (c) The total amount of pawn service charges that a  
594 pawnbroker may collect in the case of pledged goods redeemed at  
595 any time within 30 days after the date of the pawn is the amount  
596 provided in paragraph (a). The total amount of pawn service  
597 charges that a pawnbroker may collect in the case of redemptions  
598 occurring at any time more than 30 days after the date of the  
599 pawn is twice the amount provided in paragraph (a), except that,  
600 for redemptions occurring more than 60 days after the date of  
601 the pawn, pawn service charges continue to accrue from and after  
602 the 60th day at the daily rate determined as provided in

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603 paragraph (b). Any unused pawn service charge paid in advance by  
 604 the pledgor shall be refunded by the pawnbroker.

605 (d) Pledged goods may be redeemed by mail by agreement  
 606 between the pledgor and the pawnbroker. The pledgor must pay in  
 607 advance all moneys due and a reasonable charge assessed by the  
 608 pawnbroker to recover its cost and expenses involved in the  
 609 packaging, insuring, and shipping of the pledged goods. The  
 610 pawnbroker shall insure the pledged goods in an amount  
 611 acceptable to the pledgor. The pawnbroker's liability for loss  
 612 or damage in connection with the shipment of such pledged goods  
 613 is limited to the amount of the insurance coverage obtained.

614 (e) Any interest, charge, or fees contracted for or  
 615 received, directly or indirectly, in excess of the amounts  
 616 authorized under this section are prohibited, may not be  
 617 collected, and render the pawn transaction voidable, in which  
 618 case the pawnbroker shall forfeit the right to collect twice the  
 619 amount of the pawn service charge contracted for in the pawn  
 620 and, upon the pledgor's written request received by the  
 621 pawnbroker within 30 days after the maturity date, shall be  
 622 obligated to return to the pledgor the pledged goods delivered  
 623 to the pawnbroker in connection with the pawn upon payment of  
 624 the balance remaining due, provided that there shall be no  
 625 penalty for a violation resulting from an accidental and bona  
 626 fide error that is corrected upon discovery. Any action to  
 627 circumvent the limitation on pawn service charges collectible  
 628 under this section is voidable. In the event a pledgor makes a  
 629 partial payment on a pawn that reduces the amount financed, any  
 630 additional pawn service charges shall be calculated on the  
 631 remaining balance of the original amount financed.

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

634 (a) Falsify or intentionally fail to make an entry of any  
 635 material matter in a pawnbroker transaction form.

636 (b) Refuse to allow the agency, the appropriate law  
 637 enforcement official, or the state attorney, or any of their  
 638 designated representatives having jurisdiction, to inspect  
 639 completed pawnbroker transaction forms or pledged or purchased  
 640 goods during the ordinary hours of the pawnbroker's business or  
 641 other time acceptable to both parties. The appropriate law  
 642 enforcement official shall disclose to a claimant the name and  
 643 address of the pawnbroker, the name and address of the conveying  
 644 customer, and a description of pawned, purchased, or consigned  
 645 goods that the claimant claims to be misappropriated.

646 (c) Obliterate, discard, or destroy a completed pawnbroker  
 647 transaction form sooner than 3 years after the date of the  
 648 transaction.

649 (d) Accept a pledge or purchase property from a person  
 650 under the age of 18 years.

651 (e) Make any agreement requiring or allowing the personal  
 652 liability of a pledgor or the waiver of any of the provisions of  
 653 this section.

654 (f) Knowingly enter into a pawn or purchase transaction  
 655 with any person who is under the influence of alcohol or  
 656 controlled substances when such condition is apparent, or with  
 657 any person using the name of another or the registered name of  
 658 another's business.

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659 (g) Conduct any pawn or purchase transaction at a drive-  
 660 through window or similar device in which the customer remains  
 661 in a vehicle while conducting the transaction.

662 (h) Fail to return or replace pledged goods to a pledgor  
 663 upon payment of the full amount due the pawnbroker, unless the  
 664 pledged goods have been placed under a hold order under  
 665 subsection (16), or taken into custody by a court or otherwise  
 666 disposed of by court order.

667 (i) Sell or otherwise charge for insurance in connection  
 668 with a pawn transaction, except in connection with the shipment  
 669 of pledged goods redeemed by mail as provided in subsection  
 670 (11).

671 (j) Engage in title loan agreements, as defined in s.  
 672 537.003, or title loan transactions at, within, or adjoining a  
 673 licensed pawnshop location.

674 (k) Lease pledged goods to the pledgor or any other party.

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

677 (m) Knowingly hire anyone to work in a pawnshop who has  
 678 been convicted of, or entered a plea of guilty or nolo  
 679 contendere to, or had adjudication withheld for a felony within  
 680 the last 5 years, or been convicted of, or entered a plea of  
 681 guilty or nolo contendere to, or had adjudication withheld for a  
 682 crime within the last 5 years which involves theft, larceny,  
 683 dealing in stolen property, receiving stolen property, burglary,  
 684 embezzlement, obtaining property by false pretenses, possession  
 685 of altered property, or any fraudulent, or dishonest dealing.

686 (n) Knowingly accept or receive misappropriated property  
 687 from a conveying customer in a pawn or purchase transaction.



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688 (13) RIGHT TO REDEEM; LOST PAWNBROKER TRANSACTION FORM.--

689 (a) Only a pledgor or a pledgor's authorized  
 690 representative is entitled to redeem the pledged goods described  
 691 in the pawnbroker transaction form; however, if the pawnbroker  
 692 determines that the person is not the original pledgor, or the  
 693 pledgor's authorized representative, the pawnbroker is not  
 694 required to allow the redemption of the pledged goods by such  
 695 person. The person redeeming the pledged goods must sign the  
 696 pledgor's copy of the pawnbroker transaction form, which the  
 697 pawnbroker may retain as evidence of the person's receipt of the  
 698 pledged goods. If the person redeeming the pledged goods is the  
 699 pledgor's authorized representative, that person must present  
 700 notarized authorization from the original pledgor and show  
 701 identification to the pawnbroker and the pawnbroker shall record  
 702 that person's name and address on the pawnbroker transaction  
 703 form retained by the pawnshop. It is the pawnbroker's  
 704 responsibility to verify that the person redeeming the pledged  
 705 goods is either the pledgor or the pledgor's authorized  
 706 representative.

707 (b) If a pledgor's copy of the pawnbroker transaction form  
 708 is lost, destroyed, or stolen, the pledgor must notify the  
 709 pawnbroker in writing by certified or registered mail, return  
 710 receipt requested, or in person evidenced by a signed receipt,  
 711 and receipt of this notice invalidates the pawnbroker  
 712 transaction form if the pledged goods have not previously been  
 713 redeemed. Before delivering the pledged goods or issuing a new  
 714 pawnbroker transaction form, the pawnbroker must require the  
 715 pledgor to make a written statement of the loss, destruction, or  
 716 theft of the pledgor's copy of the pawnbroker transaction form.

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717 The pawnbroker must record on the written statement the type of  
 718 identification and the identification number accepted from the  
 719 pledgor, the date the statement is given, and the number of the  
 720 pawnbroker transaction form that was lost, destroyed, or stolen.  
 721 The statement must be signed by the pawnbroker or the pawnshop  
 722 employee who accepts the statement from the pledgor. A  
 723 pawnbroker is entitled to a fee not to exceed \$2 in connection  
 724 with each lost, destroyed, or stolen pawnbroker transaction form  
 725 and the taking of a properly prepared written statement.

726 (c) Sales tax is not due or collectible in connection with  
 727 the redemption of pledged goods.

728 (d) If pledged goods are lost or damaged while in the  
 729 possession of the pawnbroker, the pawnbroker may satisfy the  
 730 pledgor's claim by replacing the lost or damaged goods with like  
 731 kinds of merchandise of equal value, with which the pledgor can  
 732 reasonably replace the goods. Such replacement is a defense to  
 733 any civil action based upon the loss or damage of the goods.

734 (14) PAWNBROKER'S LIEN.--A pawnbroker has a possessory  
 735 lien on the pledged goods pawned as security for the funds  
 736 advanced, the pawn service charge owed, and the other charges  
 737 authorized under this section, but not for other debts due to  
 738 the pawnbroker. A pawnbroker has no recourse against a pledgor  
 739 for payment on a pawn transaction except for the pledged goods  
 740 themselves. Except as otherwise provided in this section, the  
 741 pawnbroker must retain possession of the pledged goods until the  
 742 lien is satisfied or until the default date. The pawnbroker may  
 743 be compelled to relinquish possession of the pledged goods only  
 744 after receipt of the applicable funds advanced plus the accrued

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745 service charge and other authorized charges, upon court order,  
 746 or as otherwise provided by law.

747 (15) MISAPPROPRIATED PROPERTY; PETITION FOR RETURN.--

748 (a) If a pawnbroker contests the identification or  
 749 ownership of property, the person alleging ownership of the  
 750 property may bring an action for replevin in the county or  
 751 circuit court by petition in substantially the following form  
 752 provided that a timely report of the misappropriation of  
 753 property was made to the proper authorities:

754  
 755 Plaintiff A. B., sues defendant C. D., and alleges:

756 1. This is an action to recover possession of personal  
 757 property in \_\_\_\_\_ County, Florida.

758 2. The description of the property is: ... (list  
 759 property) .... To the best of plaintiff's knowledge,  
 760 information, and belief, the value of the property is  
 761 \$\_\_\_\_\_.

762 3. Plaintiff is entitled to the possession of the property  
 763 under a security agreement dated \_\_\_\_\_, ... (year) ..., a  
 764 copy of which is attached.

765 4. To plaintiff's best knowledge, information, and belief,  
 766 the property is located at \_\_\_\_\_.

767 5. The property is wrongfully detained by defendant.  
 768 Defendant came into possession of the property by ... (describe  
 769 method of possession) .... To plaintiff's best knowledge,  
 770 information, and belief, defendant detains the property because  
 771 ... (give reasons) ....

772 6. The property has not been taken under an execution or  
 773 attachment against plaintiff's property.

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(b) The filing fees shall be waived by the clerk of the court, and the service fees shall be waived by the sheriff. The court shall award the prevailing party attorney's fees and costs. In addition, when the filing party prevails in the replevin action, the court shall order payment of filing fees to the clerk and service fees to the sheriff.

(c) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. Upon the receipt of a petition for a writ by a pawnbroker, the pawnbroker shall hold the property at issue until the court determines the respective interests of the parties.

(d) In addition to the civil petition for return remedy, the state may file a motion as part of a pending criminal case related to the property. The criminal court has jurisdiction to determine ownership, to order return or other disposition of the property, and to order any appropriate restitution to any person. Such order shall be entered upon hearing after proper notice has been given to the pawnbroker, the victim, and the defendant in the criminal case.

(e) If the pawnbroker does not contest the identification or ownership of the misappropriated property and the claimant of the misappropriated property has not signed a waiver of prosecution with the appropriate law enforcement official for the misappropriation of the property, the pawnbroker shall return the misappropriated property to the claimant of the misappropriated property without monetary compensation from the claimant. The pawnbroker may provide the criminal court of competent jurisdiction a copy of the pawnbroker transaction form

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803 and request restitution from the defendant in the criminal  
 804 proceeding.

805 ~~(15) CLAIMS AGAINST PURCHASED GOODS OR PLEDGED GOODS HELD~~  
 806 ~~BY PAWNBROKERS.~~

807 ~~(a) To obtain possession of purchased or pledged goods~~  
 808 ~~held by a pawnbroker which a claimant claims to be~~  
 809 ~~misappropriated, the claimant must notify the pawnbroker by~~  
 810 ~~certified mail, return receipt requested, or in person evidenced~~  
 811 ~~by signed receipt, of the claimant's claim to the purchased or~~  
 812 ~~pledged goods. The notice must contain a complete and accurate~~  
 813 ~~description of the purchased or pledged goods and must be~~  
 814 ~~accompanied by a legible copy of the applicable law enforcement~~  
 815 ~~agency's report on the misappropriation of such property. If the~~  
 816 ~~claimant and the pawnbroker do not resolve the matter within 10~~  
 817 ~~days after the pawnbroker's receipt of the notice, the claimant~~  
 818 ~~may petition the court to order the return of the property,~~  
 819 ~~naming the pawnbroker as a defendant, and must serve the~~  
 820 ~~pawnbroker with a copy of the petition. The pawnbroker shall~~  
 821 ~~hold the property described in the petition until the right to~~  
 822 ~~possession is resolved by the parties or by a court of competent~~  
 823 ~~jurisdiction. The court shall waive any filing fee for the~~  
 824 ~~petition to recover the property, and the sheriff shall waive~~  
 825 ~~the service fees.~~

826 ~~(b) If, after notice and a hearing, the court finds that~~  
 827 ~~the property was misappropriated and orders the return of the~~  
 828 ~~property to the claimant:~~

829 ~~1. The claimant may recover from the pawnbroker the cost~~  
 830 ~~of the action, including the claimant's reasonable attorney's~~  
 831 ~~fees; and~~

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832 ~~2. If the conveying customer is convicted of theft, a~~  
 833 ~~violation of this section, or dealing in stolen property, the~~  
 834 ~~court shall order the conveying customer to repay the pawnbroker~~  
 835 ~~the full amount the conveying customer received from the~~  
 836 ~~pawnbroker for the property, plus all applicable pawn service~~  
 837 ~~charges. As used in this paragraph, the term "convicted of"~~  
 838 ~~includes a plea of nolo contendere to the charges or any~~  
 839 ~~agreement in which adjudication is withheld; and~~

840 ~~3. The conveying customer shall be responsible to pay all~~  
 841 ~~attorney's fees and taxable costs incurred by the pawnbroker in~~  
 842 ~~defending a replevin action or any other civil matter wherein it~~  
 843 ~~is found that the conveying customer was in violation of this~~  
 844 ~~paragraph.~~

845 ~~(c) If the court finds that the claimant failed to comply~~  
 846 ~~with the requirements in paragraph (a) or otherwise finds~~  
 847 ~~against the claimant, the claimant is liable for the defendants'~~  
 848 ~~costs, including reasonable attorney's fees.~~

849 ~~(d) The sale, pledge, or delivery of tangible personal~~  
 850 ~~property to a pawnbroker by any person in this state is~~  
 851 ~~considered to be:~~

852 ~~1. An agreement by the person who sells, pledges, or~~  
 853 ~~delivers the tangible personal property that the person is~~  
 854 ~~subject to the jurisdiction of the court in all civil actions~~  
 855 ~~and proceedings arising out of the pledge or sale transaction~~  
 856 ~~filed by either a resident or nonresident plaintiff;~~

857 ~~2. An appointment of the Secretary of State by any~~  
 858 ~~nonresident of this state as that person's lawful attorney and~~  
 859 ~~agent upon whom may be served all process in suits pertaining to~~

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860 ~~the actions and proceedings arising out of the sale, pledge, or~~  
 861 ~~delivery; and~~

862 ~~3. An agreement by any nonresident that any process in any~~  
 863 ~~suit so served has the same legal force and validity as if~~  
 864 ~~personally served in this state.~~

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

867 (a) When an appropriate law enforcement official has  
 868 probable cause to believe that property in the possession of a  
 869 pawnbroker is misappropriated, the official may place a written  
 870 hold order on the property. The written hold order shall impose  
 871 a holding period not to exceed 90 days unless extended by court  
 872 order. The appropriate law enforcement official may rescind, in  
 873 writing, any hold order. An appropriate law enforcement official  
 874 may place only one hold order on property.

875 (b) Upon the expiration of the holding period, the  
 876 pawnbroker shall notify, in writing, the ~~appropriate~~ law  
 877 enforcement official who placed the hold order by certified  
 878 mail, return receipt requested, that the holding period has  
 879 expired. If, on the 10th day after the written notice has been  
 880 received by the ~~appropriate~~ law enforcement official who placed  
 881 the hold order, the pawnbroker has not received from a court an  
 882 extension of the hold order on the property and the property is  
 883 not the subject of a proceeding under subsection (15), title to  
 884 the property shall vest in and be deemed conveyed by operation  
 885 of law to the pawnbroker, free of any liability for claims but  
 886 subject to any restrictions contained in the pawn transaction  
 887 contract and subject to the provisions of this section.

888 (c) A hold order must specify:

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- 889           1. The name and address of the pawnbroker.
- 890           2. The name, title, and identification number of the  
891 representative of the appropriate law enforcement official or  
892 the court placing the hold order.
- 893           3. If applicable, the name and address of the appropriate  
894 law enforcement official or court to which such representative  
895 is attached and the number, if any, assigned to the claim  
896 regarding the property.
- 897           4. A complete description of the property to be held,  
898 including model number and serial number if applicable.
- 899           5. The name of the person reporting the property to be  
900 misappropriated unless otherwise prohibited by law.
- 901           6. The mailing address of the pawnbroker where the  
902 property is held.
- 903           7. The expiration date of the holding period.
- 904           (d) The pawnbroker or the pawnbroker's representative must  
905 sign and date a copy of the hold order as evidence of receipt of  
906 the hold order and the beginning of the 90-day holding period.
- 907           (e)1. Except as provided in subparagraph 2., a pawnbroker  
908 may not release or dispose of property subject to a hold order  
909 except pursuant to a court order, a written release from the  
910 appropriate law enforcement official, or the expiration of the  
911 holding period of the hold order.
- 912           2. While a hold order is in effect, the pawnbroker must  
913 upon request release the property subject to the hold order to  
914 the custody of the appropriate law enforcement official for use  
915 in a criminal investigation. The release of the property to the  
916 custody of the appropriate law enforcement official is not  
917 considered a waiver or release of the pawnbroker's property



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918 rights or interest in the property. Upon completion of the  
 919 criminal proceeding, the property must be returned to the  
 920 pawnbroker unless the court orders other disposition. When such  
 921 other disposition is ordered, the court shall additionally order  
 922 the conveying customer to pay restitution to the pawnbroker in  
 923 the amount received by the conveying customer for the property  
 924 together with reasonable attorney's fees and costs.

925 (17) CRIMINAL PENALTIES.--

926 (a) Any person who engages in business as a pawnbroker  
 927 without first securing a license commits a felony of the third  
 928 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 929 775.084.

930 (b) In addition to any other penalty, any person, who  
 931 willfully violates this section or who willfully makes a false  
 932 entry in any record specifically required by this section  
 933 commits a misdemeanor of the first degree, punishable as  
 934 provided in s. 775.082 or s. 775.083. Clerical or recordkeeping  
 935 errors, such as typographical errors or scrivener's errors,  
 936 regarding any document or record required by this section do not  
 937 constitute a willful violation of this section, and are not  
 938 subject to criminal penalties. Clerical or recordkeeping errors  
 939 are subject to the administrative remedies, as provided in this  
 940 act.

941 (18) INJUNCTIONS.--When the agency has reasonable cause to  
 942 believe that a person is violating this section, the agency may  
 943 enter an order requiring the person to stop the violation. The  
 944 agency may petition the court to enjoin the person from engaging  
 945 in the violation, continuing the violation, or doing any act in

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946 furtherance of the violation. The court may order a preliminary  
 947 or permanent injunction.

948 (19) RECORDS OF THE FLORIDA DEPARTMENT OF LAW  
 949 ENFORCEMENT.--The Department of Law Enforcement, on request,  
 950 must supply to the agency any arrest and conviction records in  
 951 its possession of an individual applying for or holding a  
 952 license under this section.

953 (20) CONFLICTING ORDINANCES.--Any county or municipality  
 954 may enact ordinances that are in compliance with, but not more  
 955 restrictive than this section, except that local ordinances may  
 956 not restrict hours of operations other than between midnight and  
 957 6 a.m. Any ordinance that conflicts with this subsection is  
 958 void. Nothing in this section shall affect the authority of a  
 959 county or municipality to establish land use controls or require  
 960 a pawnbroker to obtain a local occupational license.

961 (21) RULEMAKING AUTHORITY.--The agency has authority to  
 962 adopt rules pursuant to chapter 120 to implement the provisions  
 963 of this section.

964 Section 2. Section 539.002, Florida Statutes, is amended  
 965 to read:

966 539.002 Applicability.--Chapters 537 and Chapter 538 do  
 967 ~~does~~ not apply to pawnbrokers licensed under the Florida  
 968 Pawnbroking Act. This act does not abrogate any provision of  
 969 chapters 671-680.

970 Section 3. This act shall take effect July 1, 2004.