

CHAMBER ACTION

1 The Committee on Agriculture recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to pawnbroking; amending s. 539.001, F.S.;  
7 revising provisions relating to the "Florida Pawnbroking  
8 Act"; revising definition of the term "permitted vendor"  
9 and defining the term "waiver of prosecution"; providing a  
10 requirement with respect to application for or renewal of  
11 a pawnbroker's license; providing for suspension or  
12 revocation of a license for failure to comply; revising  
13 requirements for completion and retention of pawnbroker  
14 transaction forms; requiring certain labeling of property;  
15 prohibiting certain activity with respect to title loan  
16 agreements; revising requirements relating to petition for  
17 return of misappropriated property; providing a petition  
18 form; authorizing criminal proceedings; clarifying  
19 provisions relating to hold orders; providing penalties;  
20 providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

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

26 539.001 The Florida Pawnbroking Act.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75 (m) "Permitted vendor" means a vendor who furnishes a  
76 pawnbroker with a uniquely numbered ~~an~~ invoice specifying the  
77 vendor's name and address, the date of the sale, a description

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78 | of the items sold, and the sales price, and who has an  
79 | established place of business, or, in the case of a secondhand  
80 | dealer as defined in s. 538.03, has represented in writing that  
81 | such dealer has complied with all applicable recordkeeping,  
82 | reporting, and retention requirements pertaining to goods sold  
83 | or otherwise delivered to a pawnbroker.

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

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

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

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

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

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

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

113 (u) "Operator" means a person who has charge of a  
 114 corporation or company and has control of its business, or of  
 115 its branch establishments, divisions, or departments, and who is  
 116 vested with a certain amount of discretion and independent  
 117 judgment.

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

123 (3) LICENSE REQUIRED.--

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

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

133 location. The licensee must also give such written notice to the  
134 appropriate law enforcement official.

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

140 (d) The agency may issue a temporary pawnbroker's license  
141 for the operation of a pawnshop either upon receipt of an  
142 application to transfer an existing license from one person to  
143 another or upon receipt of an application for a license  
144 involving principals and owners that are substantially identical  
145 to those of the existing licensee. The temporary license is  
146 effective until the permanent license is issued or denied by the  
147 agency.

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

158 (f) Any person applying for or renewing a state  
159 pawnbroker's license must first procure a local occupational  
160 pawnbroker's license, if applicable, and must supply proof of

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161 ~~same to the agency license to engage in business as a pawnbroker~~  
 162 ~~must exhibit a current license from the agency before a state~~  
 163 ~~pawnbroker's the local occupational~~ license may be issued or  
 164 reissued.

165 (4) ELIGIBILITY FOR LICENSE.--

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

- 168 1. Be of good moral character;
- 169 2. Have a net worth of at least \$50,000 or file with the  
 170 agency a bond issued by a surety company qualified to do  
 171 business in this state in the amount of \$10,000 for each  
 172 license. In lieu of the bond required in this section, the  
 173 applicant may establish a certificate of deposit or an  
 174 irrevocable letter of credit in a Florida banking institution in  
 175 the amount of the bond. The original bond, certificate of  
 176 deposit, or letter of credit shall be filed with the agency, and  
 177 the agency shall be the beneficiary to said document. The bond,  
 178 certificate of deposit, or letter of credit shall be in favor of  
 179 the agency for the use and benefit of any consumer who is  
 180 injured by the fraud, misrepresentation, breach of contract,  
 181 financial failure, or violation of any provision of this section  
 182 by the pawnbroker. Such liability may be enforced either by  
 183 proceeding in an administrative action or by filing a judicial  
 184 suit at law in a court of competent jurisdiction. However, in  
 185 such court suit, the bond, certificate of deposit, or letter of  
 186 credit posted with the agency shall not be amenable or subject  
 187 to any judgment or other legal process issuing out of or from  
 188 such court in connection with such lawsuit, but such bond,

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189 certificate of deposit, or letter of credit shall be amenable to  
190 and enforceable only by and through administrative proceedings  
191 before the agency. It is the intent of the Legislature that such  
192 bond, certificate of deposit, or letter of credit shall be  
193 applicable and liable only for the payment of claims duly  
194 adjudicated by order of the agency. The bond, certificate of  
195 deposit, or letter of credit shall be payable on a pro rata  
196 basis as determined by the agency, but the aggregate amount may  
197 not exceed the amount of the bond, certificate of deposit, or  
198 letter of credit;

199 3. Not have been convicted of, or found guilty of, or pled  
200 guilty or nolo contendere to, or not have been incarcerated  
201 within the last 10 years as a result of having previously been  
202 convicted of, or found guilty of, or pled guilty or nolo  
203 contendere to, regardless of adjudication, a felony within the  
204 last 10 years and not be acting as a beneficial owner for  
205 someone who has been convicted of, or found guilty of, or pled  
206 guilty or nolo contendere to, regardless of adjudication, a  
207 felony within the last 10 years; and

208 4. Not have been convicted of, or found guilty of, or pled  
209 guilty or nolo contendere to, or not have been incarcerated  
210 within the last 10 years as a result of having previously been  
211 convicted of, or found guilty of, or pled guilty or nolo  
212 contendere to, regardless of adjudication, a crime that involves  
213 theft, larceny, dealing in stolen property, receiving stolen  
214 property, burglary, embezzlement, obtaining property by false  
215 pretenses, possession of altered property, or any other  
216 fraudulent or dishonest dealing within the last 10 years, and



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

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

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

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

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

236

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

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

251 (5) APPLICATION FOR LICENSE.--

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

259 (b)1. If the applicant is not an individual, the applicant  
 260 must state the full name and address of each direct or  
 261 beneficial owner of at least a 10-percent equity interest in  
 262 such person. If the applicant is a corporation, the application  
 263 must also state the full name and address of each officer and  
 264 director.

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

272 the Securities and Exchange Commission and if the person files  
 273 with the agency the information, documents, and reports required  
 274 to be filed with the Securities and Exchange Commission.

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

285 (d) When the application and the required fees are  
 286 received, the agency shall investigate the facts, approve the  
 287 application, and issue a license to the applicant if the agency  
 288 finds that the eligibility requirements for the license are  
 289 satisfied. The license must be prominently displayed at the  
 290 front desk or counter at each pawnshop.

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

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

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

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

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

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

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

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

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

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

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

323 | (e) The revocation, suspension, or surrender of a license  
324 | does not impair or affect the obligation of any preexisting  
325 | lawful contract between the licensee and any pledgor. Any pawn

326 transaction made by a person without benefit of a license is  
 327 voidable, in which case the person forfeits the right to collect  
 328 any moneys, including principal and any charges, from the  
 329 pledgor in connection with such transaction and is obligated to  
 330 return to the pledgor the pledged goods in connection with such  
 331 transaction.

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

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

339 (7) ORDERS IMPOSING PENALTIES.--

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

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

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

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

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

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

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

360           1. Issuing a notice of noncompliance pursuant to s.  
361 120.695.

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

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

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

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

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

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

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380 violation, restitution and damages for injured customers, court  
381 costs, and reasonable attorney's fees.

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

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

389 (8) PAWNBROKER TRANSACTION FORM.--

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

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

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

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- 407           2. A complete and accurate description of the pledged  
 408 goods or purchased goods, including the following information,  
 409 if applicable:
- 410           a. Brand name.
  - 411           b. Model number.
  - 412           c. Manufacturer's serial number.
  - 413           d. Size.
  - 414           e. Color, as apparent to the untrained eye.
  - 415           f. Precious metal type, weight, and content, if known.
  - 416           g. Gemstone description, including the number of stones.
  - 417           h. In the case of firearms, the type of action, caliber or  
 418 gauge, number of barrels, barrel length, and finish.
  - 419           i. Any other unique identifying marks, numbers, names, or  
 420 letters.
- 421
- 422 Notwithstanding sub-subparagraphs a.-i., in the case of multiple  
 423 items of a similar nature delivered together in one transaction  
 424 which do not bear serial or model numbers and which do not  
 425 include precious metal or gemstones, such as musical or video  
 426 recordings, books, and hand tools, the description of the items  
 427 is adequate if it contains the quantity of items and a  
 428 description of the type of items delivered.
- 429           3. The name, current local residential address, home  
 430 telephone number, place of employment, place of employment  
 431 telephone number, date of birth, physical description, and a  
 432 legible right thumbprint of the pledgor or seller.
- 433           4. The date and time of the transaction.



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

437           6. In the case of a pawn:

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

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

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

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

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

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

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

454           (I) Any personal property pledged to a pawnbroker within  
455 this state which is not redeemed within 30 days following the  
456 maturity date of the pawn, if the 30th day is not a business  
457 day, then the following business day, is automatically forfeited  
458 to the pawnbroker, and absolute right, title, and interest in  
459 and to the property vests in and is deemed conveyed to the  
460 pawnbroker by operation of law, and no further notice is  
461 necessary;

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

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

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

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

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

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

483 a. If the value of the money received is less than \$300, a  
484 felony of the third degree, punishable as provided in s.  
485 775.082, s. 775.083, or s. 775.084.

486 b. If the value of the money received is \$300 or more, a  
487 felony of the second degree, punishable as provided in s.  
488 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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516 pawnbroker shall, upon request, provide a clear and legible copy  
517 of the image to the appropriate law enforcement official.

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

538 (c) All goods delivered to a pawnbroker in a pawn or  
539 purchase transaction must be securely stored and maintained in  
540 an unaltered condition within the jurisdiction of the  
541 appropriate law enforcement official for a period of 30 calendar  
542 days after the transaction. Those goods delivered to a  
543 pawnbroker in a purchase transaction may not be sold or

544 otherwise disposed of before the expiration of such period. The  
 545 pawnbroker shall make all pledged and purchased goods and all  
 546 records relating to such goods available for inspection by the  
 547 appropriate law enforcement official during normal business  
 548 hours throughout such period. The pawnbroker must store and  
 549 maintain pledged goods for the period prescribed in subsection  
 550 (10) unless the pledged goods are redeemed earlier; provided,  
 551 however, that within the first 30 days after the original pawn,  
 552 the pledged goods may be redeemed only by the pledgor or the  
 553 pledgor's attorney in fact.

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

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

571 (11) PAWN SERVICE CHARGES.--

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572 (a) In a pawn transaction, a pawnbroker may contract for  
573 and receive a pawn service charge. The interest component of the  
574 pawn service charge shall be deemed to be 2 percent of the  
575 amount financed for each 30-day period in a pawn transaction.  
576 The pawnbroker may charge any amount of pawn service charge, so  
577 long as the total amount, inclusive of the interest component,  
578 does not exceed 25 percent of the amount financed for each 30-  
579 day period in a pawn transaction, except that the pawnbroker is  
580 entitled to receive a minimum pawn service charge of \$5 for each  
581 such 30-day period.

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

594 (c) The total amount of pawn service charges that a  
595 pawnbroker may collect in the case of pledged goods redeemed at  
596 any time within 30 days after the date of the pawn is the amount  
597 provided in paragraph (a). The total amount of pawn service  
598 charges that a pawnbroker may collect in the case of redemptions  
599 occurring at any time more than 30 days after the date of the

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600 pawn is twice the amount provided in paragraph (a), except that,  
601 for redemptions occurring more than 60 days after the date of  
602 the pawn, pawn service charges continue to accrue from and after  
603 the 60th day at the daily rate determined as provided in  
604 paragraph (b). Any unused pawn service charge paid in advance by  
605 the pledgor shall be refunded by the pawnbroker.

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

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

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628 | circumvent the limitation on pawn service charges collectible  
629 | under this section is voidable. In the event a pledgor makes a  
630 | partial payment on a pawn that reduces the amount financed, any  
631 | additional pawn service charges shall be calculated on the  
632 | remaining balance of the original amount financed.

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

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

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

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

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

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



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

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

663 (h) Fail to return or replace pledged goods to a pledgor  
 664 upon payment of the full amount due the pawnbroker, unless the  
 665 pledged goods have been placed under a hold order under  
 666 subsection (17) ~~(16)~~, or taken into custody by a court or  
 667 otherwise disposed of by court order.

668 (i) Sell or otherwise charge for insurance in connection  
 669 with a pawn transaction, except in connection with the shipment  
 670 of pledged goods redeemed by mail as provided in subsection  
 671 (11).

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

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

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

678 (m) Knowingly hire anyone to work in a pawnshop who has  
 679 been convicted of, or entered a plea of guilty or nolo  
 680 contendere to, or had adjudication withheld for a felony within  
 681 the last 5 years, or been convicted of, or entered a plea of  
 682 guilty or nolo contendere to, or had adjudication withheld for a

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683 | crime within the last 5 years which involves theft, larceny,  
684 | dealing in stolen property, receiving stolen property, burglary,  
685 | embezzlement, obtaining property by false pretenses, possession  
686 | of altered property, or any fraudulent, or dishonest dealing.

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

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

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

708 |       (b) If a pledgor's copy of the pawnbroker transaction form  
709 | is lost, destroyed, or stolen, the pledgor must notify the  
710 | pawnbroker in writing by certified or registered mail, return

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711 receipt requested, or in person evidenced by a signed receipt,  
 712 and receipt of this notice invalidates the pawnbroker  
 713 transaction form if the pledged goods have not previously been  
 714 redeemed. Before delivering the pledged goods or issuing a new  
 715 pawnbroker transaction form, the pawnbroker must require the  
 716 pledgor to make a written statement of the loss, destruction, or  
 717 theft of the pledgor's copy of the pawnbroker transaction form.  
 718 The pawnbroker must record on the written statement the type of  
 719 identification and the identification number accepted from the  
 720 pledgor, the date the statement is given, and the number of the  
 721 pawnbroker transaction form that was lost, destroyed, or stolen.  
 722 The statement must be signed by the pawnbroker or the pawnshop  
 723 employee who accepts the statement from the pledgor. A  
 724 pawnbroker is entitled to a fee not to exceed \$2 in connection  
 725 with each lost, destroyed, or stolen pawnbroker transaction form  
 726 and the taking of a properly prepared written statement.

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

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

735 (14) PAWNBROKER'S LIEN.--A pawnbroker has a possessory  
 736 lien on the pledged goods pawned as security for the funds  
 737 advanced, the pawn service charge owed, and the other charges  
 738 authorized under this section, but not for other debts due to

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739 the pawnbroker. A pawnbroker has no recourse against a pledgor  
 740 for payment on a pawn transaction except for the pledged goods  
 741 themselves. Except as otherwise provided in this section, the  
 742 pawnbroker must retain possession of the pledged goods until the  
 743 lien is satisfied or until the default date. The pawnbroker may  
 744 be compelled to relinquish possession of the pledged goods only  
 745 after receipt of the applicable funds advanced plus the accrued  
 746 service charge and other authorized charges, upon court order,  
 747 or as otherwise provided by law.

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

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

755

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

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

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

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

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

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

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

775  
776 (b) The filing fees shall be waived by the clerk of the  
777 court, and the service fees shall be waived by the sheriff. The  
778 court shall award the prevailing party attorney's fees and  
779 costs. In addition, when the filing party prevails in the  
780 replevin action, the court shall order payment of filing fees to  
781 the clerk and service fees to the sheriff.

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

787 (d) In addition to the civil petition for return remedy,  
788 the state may file a motion as part of a pending criminal case  
789 related to the property. The criminal court has jurisdiction to  
790 determine ownership, to order return or other disposition of the  
791 property, and to order any appropriate restitution to any  
792 person. Such order shall be entered upon hearing after proper

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793 | notice has been given to the pawnbroker, the victim, and the  
794 | defendant in the criminal case.

795 |       (e) If the pawnbroker does not contest the identification  
796 | or ownership of the misappropriated property and the claimant of  
797 | the misappropriated property has not signed a waiver of  
798 | prosecution with the appropriate law enforcement official for  
799 | the misappropriation of the property, the pawnbroker shall  
800 | return the misappropriated property to the claimant of the  
801 | misappropriated property without monetary compensation from the  
802 | claimant. The pawnbroker may provide the criminal court of  
803 | competent jurisdiction a copy of the pawnbroker transaction form  
804 | and request restitution from the defendant in the criminal  
805 | proceeding.

806 |       ~~(16)~~~~(15)~~ CLAIMS AGAINST PURCHASED GOODS OR PLEDGED GOODS  
807 | HELD BY PAWNBROKERS.--

808 |       (a) To obtain possession of purchased or pledged goods  
809 | held by a pawnbroker which a claimant claims to be  
810 | misappropriated, the claimant must notify the pawnbroker by  
811 | certified mail, return receipt requested, or in person evidenced  
812 | by signed receipt, of the claimant's claim to the purchased or  
813 | pledged goods. The notice must contain a complete and accurate  
814 | description of the purchased or pledged goods and must be  
815 | accompanied by a legible copy of the applicable law enforcement  
816 | agency's report on the misappropriation of such property. If the  
817 | claimant and the pawnbroker do not resolve the matter within 10  
818 | days after the pawnbroker's receipt of the notice, the claimant  
819 | may petition the court to order the return of the property,  
820 | naming the pawnbroker as a defendant, and must serve the

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821 pawnbroker with a copy of the petition. The pawnbroker shall  
822 hold the property described in the petition until the right to  
823 possession is resolved by the parties or by a court of competent  
824 jurisdiction. The court shall waive any filing fee for the  
825 petition to recover the property, and the sheriff shall waive  
826 the service fees.

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

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

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

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

846 (c) If the court finds that the claimant failed to comply  
847 with the requirements in paragraph (a) or otherwise finds

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848 | against the claimant, the claimant is liable for the defendants'  
849 | costs, including reasonable attorney's fees.

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

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

858 |             2. An appointment of the Secretary of State by any  
859 | nonresident of this state as that person's lawful attorney and  
860 | agent upon whom may be served all process in suits pertaining to  
861 | the actions and proceedings arising out of the sale, pledge, or  
862 | delivery; and

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

866 |         (17)~~(16)~~ HOLD ORDERS; ISSUANCE; REQUIRED INFORMATION;  
867 | PROCEDURES.--

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



876 (b) Upon the expiration of the holding period, the  
 877 pawnbroker shall notify, in writing, the ~~appropriate~~ law  
 878 enforcement official who placed the hold order by certified  
 879 mail, return receipt requested, that the holding period has  
 880 expired. If, on the 10th day after the written notice has been  
 881 received by the ~~appropriate~~ law enforcement official who placed  
 882 the hold order, the pawnbroker has not received from a court an  
 883 extension of the hold order on the property and the property is  
 884 not the subject of a proceeding under subsection (15) or  
 885 subsection (16), title to the property shall vest in and be  
 886 deemed conveyed by operation of law to the pawnbroker, free of  
 887 any liability for claims but subject to any restrictions  
 888 contained in the pawn transaction contract and subject to the  
 889 provisions of this section.

890 (c) A hold order must specify:

- 891 1. The name and address of the pawnbroker.
- 892 2. The name, title, and identification number of the  
 893 representative of the appropriate law enforcement official or  
 894 the court placing the hold order.
- 895 3. If applicable, the name and address of the appropriate  
 896 law enforcement official or court to which such representative  
 897 is attached and the number, if any, assigned to the claim  
 898 regarding the property.
- 899 4. A complete description of the property to be held,  
 900 including model number and serial number if applicable.
- 901 5. The name of the person reporting the property to be  
 902 misappropriated unless otherwise prohibited by law.

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903           6. The mailing address of the pawnbroker where the  
904 property is held.

905           7. The expiration date of the holding period.

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

909           (e)1. Except as provided in subparagraph 2., a pawnbroker  
910 may not release or dispose of property subject to a hold order  
911 except pursuant to a court order, a written release from the  
912 appropriate law enforcement official, or the expiration of the  
913 holding period of the hold order.

914           2. While a hold order is in effect, the pawnbroker must  
915 upon request release the property subject to the hold order to  
916 the custody of the appropriate law enforcement official for use  
917 in a criminal investigation. The release of the property to the  
918 custody of the appropriate law enforcement official is not  
919 considered a waiver or release of the pawnbroker's property  
920 rights or interest in the property. Upon completion of the  
921 criminal proceeding, the property must be returned to the  
922 pawnbroker unless the court orders other disposition. When such  
923 other disposition is ordered, the court shall additionally order  
924 the conveying customer to pay restitution to the pawnbroker in  
925 the amount received by the conveying customer for the property  
926 together with reasonable attorney's fees and costs.

927           ~~(18)~~~~(17)~~ CRIMINAL PENALTIES.--

928           (a) Any person who engages in business as a pawnbroker  
929 without first securing a license commits a felony of the third

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930 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
931 775.084.

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

943 (19)~~(18)~~ INJUNCTIONS.--When the agency has reasonable  
944 cause to believe that a person is violating this section, the  
945 agency may enter an order requiring the person to stop the  
946 violation. The agency may petition the court to enjoin the  
947 person from engaging in the violation, continuing the violation,  
948 or doing any act in furtherance of the violation. The court may  
949 order a preliminary or permanent injunction.

950 (20)~~(19)~~ RECORDS OF THE FLORIDA DEPARTMENT OF LAW  
951 ENFORCEMENT.--The Department of Law Enforcement, on request,  
952 must supply to the agency any arrest and conviction records in  
953 its possession of an individual applying for or holding a  
954 license under this section.

955 (21)~~(20)~~ CONFLICTING ORDINANCES.--Any county or  
956 municipality may enact ordinances that are in compliance with,  
957 but not more restrictive than this section, except that local

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958 | ordinances may not restrict hours of operations other than  
959 | between midnight and 6 a.m. Any ordinance that conflicts with  
960 | this subsection is void. Nothing in this section shall affect  
961 | the authority of a county or municipality to establish land use  
962 | controls or require a pawnbroker to obtain a local occupational  
963 | license.

964 |        (22)~~(21)~~ RULEMAKING AUTHORITY.--The agency has authority  
965 | to adopt rules pursuant to chapter 120 to implement the  
966 | provisions of this section.

967 |        Section 2. This act shall take effect July 1, 2004.