

By Senator Hill

1-539-05

1 A bill to be entitled
2 An act relating to pawnbroking; amending s.
3 539.001, F.S.; requiring a law enforcement
4 official to place a hold order on property in
5 the possession of a pawnbroker which the
6 official has probable cause to believe was
7 misappropriated; requiring the state attorney
8 to notify a pawnbroker of court proceedings
9 involving property that is part of a criminal
10 investigation; requiring a law enforcement
11 official to respond to a pawnbroker's letter
12 regarding property for which the hold order has
13 expired; requiring a law enforcement official
14 to return property to the pawnbroker under
15 certain circumstances; providing that failure
16 to return such property is a third-degree
17 felony; providing an effective date.

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

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21 Section 1. Subsection (16) of section 539.001, Florida
22 Statutes, is amended to read:

23 539.001 The Florida Pawnbroking Act.--

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

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

1 official may rescind, in writing, any hold order. An
2 appropriate law enforcement official may place only one hold
3 order on property. If the property that is subject to the hold
4 order is part of a criminal investigation or criminal case by
5 the state attorney, the state attorney shall timely notify the
6 pawnbroker of any court proceedings involving the property.

7 (b) Upon the expiration of the holding period, the
8 pawnbroker shall notify, in writing, the appropriate law
9 enforcement official by certified mail, return receipt
10 requested, that the holding period has expired. The
11 appropriate law enforcement official shall respond by
12 certified mail to the pawnbroker within 10 days after receipt
13 of the pawnbroker's certified letter. If, on the 10th day
14 after the written notice has been received by the appropriate
15 law enforcement official, the pawnbroker has not received from
16 a court an extension of the hold order on the property and the
17 property is not the subject of a proceeding under subsection
18 (15), title to the property shall vest in and be deemed
19 conveyed by operation of law to the pawnbroker, free of any
20 liability for claims but subject to any restrictions contained
21 in the pawn transaction contract and subject to the provisions
22 of this section. Thereafter, the appropriate law enforcement
23 official shall return the vested property to the pawnbroker
24 within 14 days. Failure by the law enforcement official to
25 timely return the property is a felony of the third degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 Section 2. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Requires the state attorney to notify a pawnbroker of court proceedings involving misappropriated property that is part of a criminal investigation. Requires a law enforcement official to return property to the pawnbroker under certain circumstances. Provides a penalty for a law enforcement official's failure to return property to the pawnbroker.