

By Senator Boyd

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1 A bill to be entitled
2 An act relating to business transactions; amending s.
3 538.03, F.S.; revising the definition of the term
4 "automated kiosk"; defining the term "statewide
5 reporting system"; amending s. 538.04, F.S.; requiring
6 the Department of Law Enforcement to supply the
7 statewide reporting system to law enforcement agencies
8 by a specified date; requiring the Department of Law
9 Enforcement to contract with a private provider to
10 supply a statewide reporting system for a specified
11 purpose; providing requirements for the private
12 provider and the system; requiring secondhand dealers
13 to transmit their transactions electronically to the
14 statewide reporting system; authorizing sheriffs to
15 supply the necessary computer equipment to secondhand
16 dealers that do not have computer capability; amending
17 s. 538.32, F.S.; requiring a seller to provide certain
18 government-issued identification before a precious
19 metals dealer may remit payment to the seller;
20 reordering and amending s. 539.001, F.S.; revising the
21 definition of the term "identification"; defining the
22 term "statewide reporting system"; requiring the
23 department to contract with a private provider to
24 supply a statewide reporting system for a specified
25 purpose; providing requirements for the private
26 provider and the system; requiring pawn transactions
27 to be transmitted electronically using the statewide
28 reporting system; authorizing sheriffs to supply the
29 necessary computer equipment to pawnbrokers who do not

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30 have computer capability; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Present paragraph (k) of subsection (1) of
35 section 538.03, Florida Statutes, is redesignated as paragraph
36 (l), a new paragraph (k) is added to that subsection, and
37 paragraph (c) of that subsection is amended, to read:

38 538.03 Definitions; applicability.—

39 (1) As used in this part, the term:

40 (c) "Automated kiosk" means an interactive device that is
41 permanently installed within a secure retail space and that has
42 the following technological functions:

43 1. Remotely monitored by a live representative during all
44 business operating hours;

45 2. Verification of a seller's identity by a United States
46 Government-issued photographic identification card or an
47 electronic image taken from a United States Government-issued
48 photographic identification or other verifiable government-
49 issued identification;

50 3. Automated reading and recording of item serial numbers;

51 4. Ability to compare item serial numbers against databases
52 of stolen items;

53 5. Secure storage of goods accepted by the kiosk; and

54 6. Capture and storage of images during the transaction.

55 (k) "Statewide reporting system" means software that the
56 Department of Law Enforcement shares with law enforcement
57 agencies in this state for all pawnbrokers, secondhand dealers,
58 and secondary metals recyclers in this state to use to report

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59 transactions to law enforcement and for law enforcement agencies
60 to use for investigations.

61 Section 2. Subsection (6) of section 538.04, Florida
62 Statutes, is amended to read:

63 538.04 Recordkeeping requirements; penalties.—

64 (6) On or before July 1, 2027, the Department of Law
65 Enforcement shall supply a statewide reporting system to law
66 enforcement agencies. The system shall be developed and
67 maintained pursuant to s. 790.335(5) through a department
68 contract with a third-party private provider that is exclusively
69 incorporated, owned, and operated in the United States and that
70 restricts access to such transaction information to appropriate
71 law enforcement agencies for legitimate law enforcement purposes
72 only. The system must have the ability to provide daily exports
73 of the transaction data, in compliance with s. 790.335, to the
74 Department of Law Enforcement for use in law enforcement data-
75 sharing systems. If ~~the appropriate law enforcement official~~
76 supplies a secondhand dealer ~~has the with appropriate software~~
77 and ~~the secondhand dealer has~~ computer capability, the
78 secondhand dealer must electronically transmit secondhand dealer
79 transactions required by this section to the statewide reporting
80 system ~~such official~~. If a secondhand dealer does not have
81 computer capability, the sheriff having jurisdiction ~~appropriate~~
82 law enforcement official may provide the secondhand dealer with
83 a computer and all equipment necessary to electronically
84 transmit secondhand dealer transactions using the statewide
85 reporting system. The sheriff retains ~~appropriate law~~
86 enforcement official shall retain ownership of the computer,
87 unless otherwise agreed upon, and the secondhand dealer shall

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88 maintain the computer in good working order, except for ordinary
89 wear. A secondhand dealer who transmits secondhand dealer
90 transactions electronically is not required to also deliver the
91 original or paper copies of the secondhand transaction forms to
92 the appropriate law enforcement official. However, such official
93 may, for purposes of a criminal investigation, request the
94 secondhand dealer to deliver the original transaction form that
95 was electronically transmitted. The secondhand dealer shall
96 deliver the form to the appropriate law enforcement official
97 within 24 hours after receipt of the request.

98 Section 3. Paragraph (b) of subsection (2) of section
99 538.32, Florida Statutes, is amended to read:

100 538.32 Registration, transaction, and recordkeeping
101 requirements; penalties.—

102 (2) A mail-in secondhand precious metals dealer may not
103 remit payment to a seller unless the seller has provided the
104 following information:

105 (b) The seller's driver license number and issuing state or
106 other United States Government-issued identification number or
107 other verifiable government-issued identification.

108 Section 4. Subsection (2) of section 539.001, Florida
109 Statutes, is reordered and amended, and paragraph (b) of
110 subsection (9) of that section is amended, to read:

111 539.001 The Florida Pawnbroking Act.—

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

113 (a) "Agency" means the Department of Agriculture and
114 Consumer Services.

115 (c) ~~(b)~~ "Appropriate law enforcement official" means the
116 sheriff of the county in which a pawnshop is located or, in case

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117 of a pawnshop located within a municipality, the police chief of
118 the municipality in which the pawnshop is located; however, any
119 sheriff or police chief may designate as the appropriate law
120 enforcement official for the county or municipality, as
121 applicable, any law enforcement officer working within the
122 county or municipality headed by that sheriff or police chief.
123 Nothing in this subsection limits the power and responsibilities
124 of the sheriff.

125 (e)~~(e)~~ "Claimant" means a person who claims that his or her
126 property was misappropriated.

127 (f)~~(d)~~ "Conveying customer" means a person who delivers
128 property into the custody of a pawnbroker, either by pawn, sale,
129 consignment, or trade.

130 (h)~~(e)~~ "Identification" means a United States Government-
131 issued photographic identification or an electronic image taken
132 from a United States Government-issued photographic
133 identification or other verifiable government-issued
134 identification.

135 (i)~~(f)~~ "Misappropriated" means stolen, embezzled,
136 converted, or otherwise wrongfully appropriated against the will
137 of the rightful owner.

138 (j)~~(g)~~ "Net worth" means total assets less total
139 liabilities.

140 (l)~~(h)~~ "Pawn" means any advancement of funds on the
141 security of pledged goods on condition that the pledged goods
142 are left in the possession of the pawnbroker for the duration of
143 the pawn and may be redeemed by the pledgor on the terms and
144 conditions contained in this section.

145 (n)~~(i)~~ "Pawnbroker" means any person who is engaged in the

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146 business of making pawns; who makes a public display containing
147 the term "pawn," "pawnbroker," or "pawnshop" or any derivative
148 thereof; or who publicly displays a sign or symbol historically
149 identified with pawns. A pawnbroker may also engage in the
150 business of purchasing goods which includes consignment and
151 trade.

152 (o)~~(j)~~ "Pawnbroker transaction form" means the instrument
153 on which a pawnbroker records pawns and purchases as provided in
154 subsection (8).

155 (m)~~(k)~~ "Pawn service charge" means a charge for
156 investigating the title, storage, and insuring of the security;
157 closing the transaction; making daily reports to appropriate law
158 enforcement officials; expenses and losses; and all other
159 services.

160 (p)~~(l)~~ "Pawnshop" means the location at which a pawnbroker
161 conducts business.

162 (q)~~(m)~~ "Permitted vendor" means a vendor who furnishes a
163 pawnbroker with an invoice specifying the vendor's name and
164 address, the date of the sale, a description of the items sold,
165 and the sales price, and who has an established place of
166 business, or, in the case of a secondhand dealer as defined in
167 s. 538.03, has represented in writing that such dealer has
168 complied with all applicable recordkeeping, reporting, and
169 retention requirements pertaining to goods sold or otherwise
170 delivered to a pawnbroker.

171 (r)~~(n)~~ "Person" means an individual, partnership,
172 corporation, joint venture, trust, association, or other legal
173 entity.

174 (s)~~(o)~~ "Pledged goods" means tangible personal property

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175 that is deposited with, or otherwise delivered into the
176 possession of a pawnbroker in connection with a pawn. "Pledged
177 goods" does not include titles or any other form of written
178 security in tangible property in lieu of actual physical
179 possession, including, but not limited to, choses in action,
180 securities, printed evidence of indebtedness, or certificates of
181 title and other instruments evidencing title to separate items
182 of property, including motor vehicles. For purposes of federal
183 and state bankruptcy laws, a pledgor's interest in his or her
184 pledged goods during the pendency of a pawn is a right of
185 redemption only.

186 (t)~~(p)~~ "Pledgor" means an individual who delivers pledged
187 goods into the possession of a pawnbroker in connection with a
188 pawn.

189 (u)~~(q)~~ "Purchase" means the transfer and delivery of goods,
190 by a person other than a permitted vendor, to a pawnbroker by
191 acquisition for value, consignment, or trade for other goods.

192 (b)~~(r)~~ "Amount financed" is used interchangeably to mean
193 the same as "amount of money advanced" or "principal amount".

194 (g)~~(s)~~ "Default date" means that date upon which the
195 pledgor's right of redemption expires and absolute right, title,
196 and interest in and to the pledged goods shall vest in and shall
197 be deemed conveyed to the pawnbroker by operation of law.

198 (d)~~(t)~~ "Beneficial owner" means a person who does not have
199 title to property but has rights in the property which are the
200 normal incident of owning the property.

201 (k)~~(u)~~ "Operator" means a person who has charge of a
202 corporation or company and has control of its business, or of
203 its branch establishments, divisions, or departments, and who is

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204 vested with a certain amount of discretion and independent
205 judgment.

206 (v) "Statewide reporting system" means software that the
207 Department of Law Enforcement shares with law enforcement
208 agencies in this state for all pawnbrokers, secondhand dealers,
209 and secondary metals recyclers in this state to use to report
210 transactions to law enforcement and for law enforcement agencies
211 to use for investigations.

212 (9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

213 (b) 1. The Department of Law Enforcement shall supply a
214 statewide reporting system to law enforcement agencies. The
215 system shall be developed and maintained pursuant to s.
216 790.335(5) through a department contract with a third-party
217 private provider that is exclusively incorporated, owned, and
218 operated in the United States and that restricts access to such
219 transaction information to appropriate law enforcement agencies
220 for legitimate law enforcement purposes only. The system must
221 have the ability to provide daily exports of the transaction
222 data, in compliance with s. 790.335, to the Department of Law
223 Enforcement for use in law enforcement data-sharing systems.

224 2. If a the appropriate law enforcement agency supplies the
225 appropriate software and the pawnbroker presently has the
226 computer capability ability, pawn transactions shall be
227 electronically transferred. If a pawnbroker does not presently
228 have the computer capability ability, the sheriff having
229 jurisdiction over the pawnshop location appropriate law
230 enforcement agency may provide the pawnbroker with a computer
231 and all necessary equipment for the purpose of electronically
232 transferring pawn transactions using the statewide reporting

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233 system. The sheriff retains ~~appropriate law enforcement agency~~
234 ~~shall retain~~ ownership of the computer, unless otherwise agreed
235 upon. The pawnbroker shall maintain the computer in good working
236 order, ordinary wear and tear excepted. In the event the
237 pawnbroker transfers pawn transactions electronically, the
238 pawnbroker is not required to also deliver to the appropriate
239 law enforcement official the original or copies of the
240 pawnbroker transaction forms. The appropriate law enforcement
241 official may, for the purposes of a criminal investigation,
242 request that the pawnbroker produce an original of a transaction
243 form that has been electronically transferred. The pawnbroker
244 shall deliver this form to the appropriate law enforcement
245 official within 24 hours of the request.

246 Section 5. This act shall take effect July 1, 2024.