

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
 30 have computer capability; providing an effective date.

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

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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
 52 databases 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
 59 transactions to law enforcement and for law enforcement agencies
 60 to use for investigations.
 61 (1) "Transaction" means any purchase, consignment, or
 62 trade of secondhand goods by a secondhand dealer.
 63 Section 2. Subsection (6) of section 538.04, Florida
 64 Statutes, is amended to read:
 65 538.04 Recordkeeping requirements; penalties.—
 66 (6) On or before July 1, 2027, the Department of Law
 67 Enforcement shall supply a statewide reporting system to law
 68 enforcement agencies. The system shall be developed and
 69 maintained pursuant to s. 790.335(5) through a department
 70 contract with a third-party private provider that is exclusively
 71 incorporated, owned, and operated in the United States and that
 72 restricts access to such transaction information to appropriate
 73 law enforcement agencies for legitimate law enforcement purposes
 74 only. The system must have the ability to provide daily exports
 75 of the transaction data, in compliance with s. 790.335, to the

76 Department of Law Enforcement for use in law enforcement data-
77 sharing systems. If ~~the appropriate law enforcement official~~
78 ~~supplies~~ a secondhand dealer has the ~~with appropriate software~~
79 ~~and the secondhand dealer has~~ computer capability, the
80 secondhand dealer must electronically transmit secondhand dealer
81 transactions required by this section to the statewide reporting
82 system ~~such official.~~ If a secondhand dealer does not have
83 computer capability, the sheriff having jurisdiction ~~appropriate~~
84 ~~law enforcement official~~ may provide the secondhand dealer with
85 a computer and all equipment necessary to electronically
86 transmit secondhand dealer transactions using the statewide
87 reporting system. The sheriff retains ~~appropriate law~~
88 ~~enforcement official shall retain~~ ownership of the computer,
89 unless otherwise agreed upon, and the secondhand dealer shall
90 maintain the computer in good working order, except for ordinary
91 wear. A secondhand dealer who transmits secondhand dealer
92 transactions electronically is not required to also deliver the
93 original or paper copies of the secondhand transaction forms to
94 the appropriate law enforcement official. However, such official
95 may, for purposes of a criminal investigation, request the
96 secondhand dealer to deliver the original transaction form that
97 was electronically transmitted. The secondhand dealer shall
98 deliver the form to the appropriate law enforcement official
99 within 24 hours after receipt of the request.

100 Section 3. Paragraph (b) of subsection (2) of section

101 538.32, Florida Statutes, is amended to read:

102 538.32 Registration, transaction, and recordkeeping
103 requirements; penalties.—

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

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

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

113 539.001 The Florida Pawnbroking Act.—

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

115 (a) "Agency" means the Department of Agriculture and
116 Consumer Services.

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

HB 519

2024

126 | of the sheriff.

127 | ~~(e)~~ "Claimant" means a person who claims that his or
128 | her property was misappropriated.

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

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

137 | ~~(i)~~ "Misappropriated" means stolen, embezzled,
138 | converted, or otherwise wrongfully appropriated against the will
139 | of the rightful owner.

140 | ~~(j)~~ "Net worth" means total assets less total
141 | liabilities.

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

147 | ~~(n)~~ "Pawnbroker" means any person who is engaged in the
148 | business of making pawns; who makes a public display containing
149 | the term "pawn," "pawnbroker," or "pawnshop" or any derivative
150 | thereof; or who publicly displays a sign or symbol historically

HB 519

2024

151 identified with pawns. A pawnbroker may also engage in the
152 business of purchasing goods which includes consignment and
153 trade.

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

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

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

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

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

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

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

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

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

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

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

204 ~~(k)-(u)~~ "Operator" means a person who has charge of a
 205 corporation or company and has control of its business, or of
 206 its branch establishments, divisions, or departments, and who is
 207 vested with a certain amount of discretion and independent
 208 judgment.

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

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

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

226 Enforcement for use in law enforcement data-sharing systems.
 227 2. If ~~a the~~ appropriate law enforcement agency supplies
 228 ~~the appropriate software and the~~ pawnbroker presently has the
 229 computer capability ~~ability~~, pawn transactions shall be
 230 electronically transferred. If a pawnbroker does not presently
 231 have the computer capability ~~ability~~, the sheriff having
 232 jurisdiction over the pawnshop location ~~appropriate law~~
 233 ~~enforcement agency~~ may provide the pawnbroker with a computer
 234 and all necessary equipment for the purpose of electronically
 235 transferring pawn transactions using the statewide reporting
 236 system. The sheriff retains ~~appropriate law enforcement agency~~
 237 ~~shall retain~~ ownership of the computer, unless otherwise agreed
 238 upon. The pawnbroker shall maintain the computer in good working
 239 order, ordinary wear and tear excepted. In the event the
 240 pawnbroker transfers pawn transactions electronically, the
 241 pawnbroker is not required to also deliver to the appropriate
 242 law enforcement official the original or copies of the
 243 pawnbroker transaction forms. The appropriate law enforcement
 244 official may, for the purposes of a criminal investigation,
 245 request that the pawnbroker produce an original of a transaction
 246 form that has been electronically transferred. The pawnbroker
 247 shall deliver this form to the appropriate law enforcement
 248 official within 24 hours of the request.
 249 Section 5. This act shall take effect July 1, 2024.