The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 678
INTRODUCER:	Commerce and Tourism Committee and Senator Truenow
SUBJECT:	Pawnbroker Transaction Forms
DATE:	March 31, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	**Fav/CS**
2.	Wiseheart	Betta	AEG	**Favorable**
3.	Renner	Yeatman	RC	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 678 authorizes pawnbroker transaction forms, which are approved by the Department of Agriculture and Consumer Services (DACS) and are used to record pawns and purchases by pawnbrokers, to be in digital or print format instead of only print format. Digital forms must be in a font size of at least 12 points. Pawnbrokers may use either format.

The bill is not anticipated to have a fiscal impact on state or local government revenues or expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Pawnbrokers[1] must apply for and obtain a license from the DACS annually.[2] To be eligible for the license, each pawnshop must maintain a net worth of at least $50,000 or file security in the

[1] A "pawnbroker" is a person who is engaged in the business of making pawns; who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. Pawnbrokers may also engage in purchasing goods which includes consignment and trade. Section 539.001(1)(i), F.S. A "pawn" is any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on certain terms and conditions. Section 539.001(1)(h), F.S.

[2] Section 539.001(3), F.S.

form of a surety bond, letter of credit, or certificate of deposit in the amount of $10,000 for each license.[3] DACS is authorized to impose penalties of up to $5,000 for noncompliance with the law.[4]

Pawnbroker Transaction Forms

When a pawnbroker enters into any pawn or purchase transaction, the pawnbroker must complete a pawnbroker transaction form, indicating whether the transaction is a pawn or a purchase. The pledgor[5] or seller must sign the completed form. The DACS must approve the design and format of the pawnbroker transaction form, which must be 8.5 inches x 11 inches in size.[6] The pawnbroker must record the following identifying information on the front of the form, which must be typed or written indelibly and legibly in English:[7]

- The name and address of the pawnshop.
- A complete and accurate description of the pledged goods or purchased goods including certain identifying information.
- The name, address, home, telephone number, place of employment, date of birth, physical description, and right thumbprint of the pledgor or seller.
- The date and time of the transaction.
- The type of identification accepted from the pledgor or seller, including the issuing agency and the identification number.
- In the case of a pawn:
  - The amount of money advanced, which must be designated as the amount financed.
  - The maturity date of the pawn, which must be 30 days after the date of the pawn.
  - The default date of the pawn and the amount due on the default date.
  - The total pawn service charge payable on the maturity date, which must be designated as the finance charge.
  - The amount financed plus the finance charge that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments.
  - The annual percentage rate.
  - The front or back of the pawnbroker transaction form must include certain information specific to pawns.
- In the case of a purchase, the amount of money paid for the goods or the monetary value assigned to the goods in connection with the transaction.
- A statement that the pledgor or seller of the item represents and warrants that it is not stolen, that it has no liens or encumbrances against it, and that the pledgor or seller is the rightful owner of the goods and has the right to enter into the transaction.

The front or back of the transaction form must include the following statements:

- Any personal property pledged to a pawnbroker in Florida that is not redeemed within 39 days following the maturity date of the pawn is automatically forfeited to the pawnbroker,

[3] Section 539.001(4), F.S.
[4] Fla. Admin. Code R. 5J-13.004 (2016).
[5] A "pledgor" is the person pledging the goods into the possession of a pawnbroker in connection with a pawn. Section 539.001(2)(p), F.S.
[6] Section 539.001(8)(a), F.S.
[7] Section 539.001(8)(b), F.S.

and absolute right, title, and interest in and to the property vests in and is deemed conveyed to the pawnbroker by operation of law, and no further notice is necessary.
- The pledgor is not obligated to redeem the pledged goods.
- If the pawnbroker transaction form is lost, destroyed, or stolen, the pledgor must immediately advertise the issuing pawnbroker in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt.
- A pawn can be extended upon mutual agreement of the parties.
- A statement that the pledgor or seller of the item represents and warrants that it is not stolen, that it has no liens or encumbrances against it, and that the pledgor or seller is the rightful owner of the goods and has the right to enter into the transaction. Any person who knowingly gives false verification of ownership or gives a false or altered identification and who receives money from a pawnbroker for goods sold or pledged commits:
  - A third degree felony[8] if the value of money is less than $300; or
  - A second degree[9] felony if the value of the money received is $300 or more.

Pawnbroker Transaction Form Recordkeeping

A pawnbroker must provide a pledgor or seller with a copy of a pawnbroker transaction form at the time of the pawn or sale. Pawnbroker transaction forms must be kept on the pawnshop's premises for at least one year after the transaction's date.[10]

Before the end of each business day, a pawnbroker must deliver the original pawnbroker transaction forms to the appropriate official[11] for the local law enforcement agency for all of the transactions during the previous business day unless other arrangements have been agreed upon by the pawnbroker and the appropriate law enforcement agency.[12]

In lieu of physically delivering the original pawnbroker transaction forms, a local law enforcement agency may supply software to a pawnbroker so the pawnbroker may electronically transfer the transaction forms to the law enforcement agency. If a pawnbroker does not have a computer to use such software, the law enforcement agency may provide a computer to the pawnbroker. The law enforcement agency retains ownership of the computer unless otherwise agreed upon. The pawnbroker must maintain the computer in good working order, ordinary wear and tear excepted.[13]

[8] A third degree felony is punishable by up to 5 years and a $5,000 fine. Sections 775.082, 775.083, or 775.084, F.S.
[9] A second degree felony is punishable by up to 15 years imprisonment and a $10,000 fine. Sections 775.082, 775.083, and 775.084, F.S.
[10] Section 539.001(9), F.S.
[11] The appropriate law enforcement official is the sheriff of the county in which a pawnshop is located or, in case of a pawnshop located within a municipality, the police chief of the municipality in which the pawnshop is located. Any sheriff or police chief may designate any law enforcement officer working within the county or municipality as the appropriate law enforcement official. Section 539.001(1)(b), F.S.
[12] *Id.*
[13] *Id.*

III. Effect of Proposed Changes:

The bill amends s. 539.001, F.S., to authorize pawnbroker transaction forms in digital or print format instead of only print format. Digital forms must have a font size of at least 12 points. Pawnbrokers may use either format.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a positive fiscal impact on pawnbrokers by allowing them to use digital pawnbroker transaction forms.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 539.001 Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on March 10, 2025:
The committee substitute:

- Clarifies that a digital pawnbroker transaction form must be in a font size of at least 12 points and that a pawnbroker is authorized to use either a print or digital format; and
- Clarifies that the transaction forms may be in a print or digital format for pawnbroker recordkeeping and reporting requirements.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.