

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/CS/HB 1359](#)

TITLE: Feasibility Study Relating to Statewide Pawn Data Database

SPONSOR(S): Michael

COMPANION BILL: [CS/SB 1252](#) (Yarborough)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

16 Y, 0 N, As CS



[Information Technology Budget &](#)

[Policy](#)

15 Y, 0 N, As CS



[Judiciary](#)

SUMMARY

Effect of the Bill:

CS/CS/HB 1359 requires the Florida Department of Law Enforcement (FDLE) to conduct a feasibility study on the creation of a statewide pawn data database and specifies the minimum requirements for such a database. The bill requires the study to be completed by January 1, 2026, and requires FDLE to provide the results of the study to the President of the Senate and the Speaker of the House of Representatives. The development of the feasibility study is subject to a specific appropriation in the General Appropriations Act.

Fiscal or Economic Impact:

FDLE estimates that the cost for the feasibility study will be approximately \$250,000.

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ANALYSIS

EFFECT OF THE BILL:

CS/CS/HB 1359 requires the Florida Department of Law Enforcement (FDLE) to conduct a feasibility study on the creation of a statewide pawn data database which, at a minimum, must:

- Allow law enforcement agencies in all counties in the state to access, update, and share pawn data in real-time.
- Be provided free of charge to all law enforcement agencies in the state.
- Be interoperable between different law enforcement databases, software solutions, and jurisdictions and meet established data standards to facilitate seamless communication between law enforcement agencies.
- Ensure compliance with applicable privacy and security laws. (Section [1](#))

The bill defines the term "pawn data" to mean information related to the transactions of [secondhand dealers](#) and [secondary metals recyclers](#), including [pawn shops](#), that is required by ch. 538, F.S., and ch. 539, F.S., to be reported electronically to law enforcement officials. This includes, but is not limited to, descriptions of property, seller information, transaction dates, and any other data related to the exchange of goods. (Section [1](#))

The bill requires FDLE to complete the feasibility study by January 1, 2026, and to provide the results of the study to the President of the Senate and the Speaker of the House of Representatives. (Section [1](#))

The bill makes the development of the feasibility study subject to a specific appropriation in the General Appropriations Act. (Section [2](#))

The effective date of the bill is July 1, 2025. (Section [3](#))

STORAGE NAME: h1359b.ITYP

DATE: 4/15/2025

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

According to FDLE, the estimated cost for the feasibility study of the statewide pawn data database is approximately \$250,000.¹

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Existing Databases

There is not a statewide database that aggregates transactions from secondhand dealers, secondary metals recyclers, and pawn shops. Instead, multiple databases are created and maintained by local or regional law enforcement agencies.² Such agencies must either develop an internal database for reporting such transactions or contract with third-party vendors who receive information about such transactions and then charge a fee for law enforcement agencies to access the information.

Secondhand Dealers

A secondhand dealer is defined as any person, corporation, or other business organization or entity that is not a secondary metals recycler and is engaged in purchasing, consigning, or trading secondhand goods,³ and also includes a secondhand dealer engaged in purchasing secondhand goods through an automated kiosk.⁴

Secondhand Dealers – Transaction Forms and Reporting Requirements

A secondhand dealer must record details about each transaction that he or she makes on a form approved by the Florida Department of Law Enforcement (FDLE).⁵ The form must include:

- The time, date, and place of the transaction.
- A complete and accurate description of the goods acquired, including the following information, if applicable:
 - Brand name.
 - Model number.
 - Manufacturer's serial number.
 - Size.
 - Color, as apparent to the untrained eye.
 - Precious metal type, weight, and content if known.
 - Gemstone description, including the number of stones, if applicable.
 - In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish.
 - Any other unique identifying marks, numbers, or letters.
- Digital photographs of the goods.
- A description of the person from whom the goods were acquired, including:
 - Full name, current residential address, workplace, and home and work phone numbers.
 - Height, weight, date of birth, race, gender, hair color, eye color, and any other identifying marks.
 - The right thumbprint, free of smudges and smears, of the person from whom the goods were acquired.
- Any other information required by FDLE.⁶

¹ Florida Department of Law Enforcement, Agency Analysis of House Bill 1359, p. 4 (Mar.12, 2025)(on file with the House Criminal Justice Subcommittee).

² *Id.* at p. 2

³ "Secondhand goods" are previously owned or used personal property purchased, consigned, or traded as used property. The term also includes gift certificates and credit memos that are purchased, consigned, or traded by a secondhand dealer. Secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry; gold, silver, platinum, palladium, or rhodium bullion that has been assayed and is properly marked as to its weight and fineness; cardio and strength training or conditioning equipment designed primarily for indoor use, and secondhand sports equipment that is not permanently labeled with a serial number. [S. 538.03\(1\)\(i\), F.S.](#)

⁴ [S. 538.03\(1\)\(h\), F.S.](#)

⁵ [S. 538.04\(1\), F.S.](#)

⁶ *Id.*

Unless other arrangements are agreed to with the appropriate law enforcement official,⁷ a secondhand dealer must deliver the transaction form to such official within 24 hours after acquiring any secondhand goods.⁸ If the appropriate law enforcement official supplies a secondhand dealer with appropriate software and the secondhand dealer has computer capability, the secondhand dealer must electronically transmit the required transaction records.⁹ If a secondhand dealer lacks computer capability, the appropriate law enforcement official may provide a computer and all of the equipment necessary to electronically transmit transactions.¹⁰

Secondary Metals Recyclers

A secondary metals recycler means any person who:

- Is engaged, from a fixed location, in the business of purchase transactions or gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value; or
- Has facilities for performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof.¹¹

Secondary Metals Recyclers – Transaction Forms and Reporting Requirements

A secondary metals recycler must maintain both a legible paper *and* electronic record of all purchase transactions to which such secondary metals recycler is a party.¹² The appropriate law enforcement official¹³ may provide data specifications regarding the electronic record format, but such format must be approved by FDLE. The transaction record must include:

- The time, date, and place of the transaction.
- A complete and accurate description of the goods acquired, including the following information, if applicable:
 - Brand name.
 - Model number.
 - Manufacturer's serial number.
 - Size.
 - Color, as apparent to the untrained eye.
 - Precious metal type, weight, and content if known.
 - Gemstone description, including the number of stones, if applicable.
 - In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish.
 - Any other unique identifying marks, numbers, or letters.
- Digital photographs of the goods.
- A description of the person from whom the goods were acquired, including:
 - Full name, current residential address, workplace, and home and work phone numbers.
 - Height, weight, date of birth, race, gender, hair color, eye color, and any other identifying marks.

⁷ For a secondhand dealer, the "appropriate law enforcement official" is the sheriff of the county in which a secondhand dealer is located or, if the secondhand dealer is located within a municipality, both the police chief of the municipality and the sheriff; however, the sheriff or police chief may designate as the appropriate law enforcement official for that county or municipality, as applicable, any law enforcement officer working within that respective county or municipality. [S. 538.03\(1\)\(b\), F.S.](#)

⁸ [S. 538.04\(1\), F.S.](#)

⁹ [S. 538.04\(6\), F.S.](#)

¹⁰ *Id.*

¹¹ [S. 538.18\(11\), F.S.](#)

¹² [S. 538.19, F.S.](#)

¹³ For secondary metals recycler, the "appropriate law enforcement official" means the sheriff of the county in which a secondary metals recycler is located or, if the secondary metals recycler is located within a municipality, the police chief of the municipality in which the secondary metals recycler is located; however, the sheriff or police chief may designate as the appropriate law enforcement official for the county or municipality, as applicable, any law enforcement officer working within that respective county or municipality. [S. 538.18\(1\), F.S.](#)

- The right thumbprint, free of smudges and smears, of the person from whom the goods were acquired.
- Any other information required by FDLE.

An electronic record of the purchase transaction must be transmitted to the appropriate law enforcement official no later than 10 A.M. on the business day following the transaction.¹⁴

Pawn Shops

A pawnbroker is any person who advances funds to a person who pledges goods as collateral for the funds. The person pledging the goods (pledgor) may reclaim the goods after repaying the funds, interest, and pawn service charge by the maturity date of the pawn, which must be 30 days after the date of the pawn. If the pledgor fails to repay the required funds, then the pledged goods are forfeited to the pawnbroker 30 days after the maturity date.¹⁵

Pawn Shops – Transaction Forms and Reporting Requirements

A pawnbroker must complete a printed pawnbroker transaction form whenever they enter into a pawn or make a purchase from a seller. The Department of Agriculture and Consumer Services approves the design and format of the transaction form, which must be 8.5 inches by 11 inches, written in English, indicate whether the transaction is a pawn or sale, and include the following on the front of the form:¹⁶

- Name and address of the pawnshop.
- A complete and accurate description of the pledged goods or purchased goods, including the following information, if applicable:
 - Brand name.
 - Model number.
 - Manufacturer's serial number.
 - Size.
 - Color, as apparent to the untrained eye.
 - Precious metal type, weight, and content, if known.
 - Gemstone description, including the number of stones.
 - The type of action, caliber or gauge, number of barrels, barrel length, and finish if the transaction includes firearms.
 - Any other unique identifying marks, numbers, names, or letters.
- Name, address, home telephone number, place of employment, date of birth, physical description, signature, and right thumbprint of the pledgor or seller.
- Date and time of the transaction.
- Type of identification accepted from the pledgor or seller, including the issuing agency and the identification number.
- A statement that the pledgor or seller of the goods represents they are the rightful owner of the goods and they are not stolen and have no liens or encumbrances against them.

If the transaction is a pawn, the front of the pawnbroker transaction form must also include:¹⁷

- The amount of money advanced, 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 owed on the maturity date, designated as the finance charge;
- The total payment to reclaim the goods, including the amount financed and the finance charge;
- The annual percentage rate; and
- A statement on the front or back that:
 - The pawned goods will be forfeited to the pawnbroker if they are not redeemed within 30 days after the maturity date of the pawn.
 - The pledgor is not obligated to redeem the pawned goods.

¹⁴ [S. 538.19\(1\), F.S.](#)

¹⁵ National Pawnbrokers Association, [Pawn 101: The Basics](#), (last visited Mar. 28, 2025).

¹⁶ [S. 539.001\(8\), F.S.](#)

¹⁷ *Id.*

- If the pawnbroker transaction form is lost, destroyed, or stolen, the pledgor must immediately advise the issuing pawnbroker in person or in writing by certified or registered mail.
- The pawn may be extended upon mutual agreement of the parties.

If the transaction is a purchase by the pawnbroker, the front of the pawnbroker transaction form must include the amount of money paid for the goods or the monetary value assigned to the goods.¹⁸

Before the end of each business day, a pawnbroker must deliver the original pawnbroker transaction forms to the appropriate official for the local law enforcement agency¹⁹ for all of the transactions during the previous business day unless other arrangements have been agreed upon by the pawnbroker and the appropriate local law enforcement agency.²⁰

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.²¹

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	16 Y, 0 N, As CS	4/1/2025	Hall	Padgett
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Required FDLE to conduct a feasibility study regarding the creation of a statewide pawn data database, rather than requiring FDLE to establish such a database. • Removed provisions related to the creation of the database and penalties for noncompliance. • Required the results of the feasibility study to be provided to the President of the Senate and the Speaker of the House of Representatives. 			
Information Technology Budget & Policy Subcommittee	15 Y, 0 N, As CS	4/15/2025	Nations	Nations
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Makes the development of the feasibility study subject to a specific appropriations in the General Appropriations Act. 			
Judiciary Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹⁸ *Id.*

¹⁹ For a pawnshop, 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. [S. 539.001\(1\)\(b\), F.S.](#)

²⁰ [S. 539.001\(9\), F.S.](#)

²¹ *Id.*