

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES



**ADAM H. PUTNAM
COMMISSIONER**

**PAWNBROKING
REGISTRATION APPLICATION**
Chapter 539.001, Florida Statutes
Rule 5J-13.002, Florida Administrative Code

Florida Department of Agriculture and Consumer Services
Florida Pawnbroker Application

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FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Pawnbroking Registration Application

Effective October 1, 1996, Chapter 539, Florida Statutes, The Florida Pawnbroking Act, requires any person operating as a pawnbroker to annually obtain a license from the Florida Department of Agriculture and Consumer Services (FDACS). Pawnshops are also required to use a pawnbroker transaction form that contains specific information as required by Section 539.001(8), Florida Statutes.

It is a violation of the Florida Pawnbroking Act for any person to engage in the business of making pawns without first obtaining a license from the department. Failure to comply with this law will subject violators to injunctive and other appropriate civil or criminal relief, including fines up to \$5,000 per violation. In addition, you must show proof of licensure from the department prior to obtaining or renewing your local occupational license.

The annual license fee is \$300 **per location**. In addition, there is a \$43.50 background investigation fee for each Principal in the business. Principals are: every owner or beneficial owner of at least 10% of the business, partner, officer, or director. Please return to the department: **(1)** the application; **(2)** \$300 filing fee plus \$43.50 background investigation fee and a set of fingerprints for **each** Principal; **(3)** proof of a net worth of at least \$50,000, or an original surety bond, letter of credit, or certificate of deposit in the amount of \$10,000 for each license; and **(4)** the actual pawnbroker transaction form to be approved by the department.

Enclosed are the forms to file with the department, including a surety bond, an irrevocable letter of credit, and a certificate of deposit. A balance sheet to submit your assets and liabilities (if submitting a personal income tax return) is included in the application package. The pawnbroker transaction form to be used by your business must be submitted to the department for review and approval prior to use. This form must also include the name and address of the pawnshop. To obtain a fingerprint card, contact the department at 1-800-HELP-FLA (435-7352), or (850) 410-3800.

If you have any questions, please contact the department at 1-800-HELP-FLA (435-7352), or (850) 410-3800 or via facsimile at (850) 410-3804, or the pawn detail of your local law enforcement agency.

APPLICATION CHECKLIST AND INSTRUCTIONS

Item #1

Provide the legal name of the applicant **exactly** as it appears in its articles of incorporation document. If using a fictitious name (DBA), provide that name also. **Note: Corporate, LLC, and Fictitious Names are verified with the State Division of Corporations and must match the name exactly as filed.**

Item #2

Provide the principal street address for the applicant. Include the suite, room, or other unit number. If the mailing address (i.e. a generally used post office box) is different from the organization's street address, provide that address as well. **Note: In order for correspondence to be sent directly to an attorney or other third party, you must insert the attorney's or third party's address as the mailing address for the pawnshop.**

Item #3

You must provide a primary telephone number, including the area code, for the applicant. Also, provide a fax number, email address, and website if used to provide information to or communicate with the public.

Item #4

Provide the name, title, address, and telephone number of the designated contact person.

Item #5

Provide the applicant's federal employer identification number and sales tax ID number. Note: Taxpayers can obtain an EIN immediately by calling the IRS Business and Specialty Tax Line (1-800-829-4933).

Item #6

Answer by checking appropriate box and provide form and address of applicant.

Item #7

Provide the name and address of each direct or beneficial owner of at least 10%; the person in charge of daily operations and if corporation, all corporate officers, partners, directors, and registered agents. Indicate the percentage of ownership (total of ownership must equal 100%). Please indicate if any of the individuals listed have been convicted of, entered a plea of guilty or nolo contendere to, had adjudication withheld or been incarcerated for crime within the last 10 years. Please make a selection and provide on a separate sheet, the name of such person, the nature of the offense, the court having jurisdiction, the disposition of the offense, and the date of disposition.

Item # 8

Provide the law enforcement agency that collects your pawnbroker transaction forms, including their contact information.

Item # 9

Answer as directed by checking appropriate box.

Item # 10

The application must be signed and notarized by an official Notary Public.

OTHER REQUIRED DOCUMENTS AND FEES

In order to process your application as quickly as possible, and avoid costly delays, please verify that all items listed below are included prior to sending:

- \$300 fee for each location (Make check or money order payable to FDACS). All fees are non-refundable.
- Fingerprinting:** Submission of fingerprints is required for **each** operator and manager; each individual with at least 10 percent (10%) ownership; and all officers and directors if a corporation.

Fingerprints can be submitted electronically through a Livescan Service Provider. An electronic fingerprint submission will reduce the time it takes for law enforcement authorities to complete the required criminal history background check and to return the results of that background check to the department.

A list of applicant Livescan Service Providers can be found at <http://www.fdle.state.fl.us/content/criminal-history/livescan-service-providers-and-device-vendors.aspx>. Out of state applicants can do an internet search to find Livescan Service Providers in your area. The provider must be registered with the Florida Department of Law Enforcement.

After you have paid for your electronic fingerprint submission, you can submit your application to the Division of Consumer Services. Please provide the following ORI number to the Livescan operator-- FL922060Z—so your background checks are routed to the Florida Department of Agriculture and Consumer Services and your application can be processed.

If you are unable to locate a Livescan Service Provider, you may submit a fingerprint card along with a \$43.50 processing fee (Make check payable to FDACS). All fees are nonrefundable.

- Original Copy** of the pawnbroker transaction form with name and address of pawnshop.
- Security Requirement; choose any **one** of A, B, C, or D. If ownership is corporation, all documents must be titled in the name of the corporation.
 - A.** Any applicant claiming to have a net worth of \$50,000 or more shall file with the department, at the time of applying for a license, the following documentation: *[539.001(4)(b)]*
 - A current financial statement prepared by a Florida certified public accountant; **OR**
 - An affidavit stating the applicant's net worth is at least \$50,000 (see page 9), accompanied by supporting documentation; **OR**
 - If the applicant is a corporation, a copy of the applicant's most recently filed federal tax return (first four pages, including schedule L).
 - B.** Submit \$10,000 original Surety Bond for each location on the form included in this package. *[539.001(4)(a)2]*

- C. Submit \$10,000 original Irrevocable Letter of Credit for each location on the form included in this package.
- D. Submit \$10,000 original Certificate of Deposit and Assignment Form for each location on the form included in this package..

IMPORTANT

Please submit everything listed above (completed notarized application; \$300 check or money order per location, made payable to the FDACS; Fingerprint card(s) and a \$43.50 fee per person) to:

FDACS
Pawnbroking Program
P.O. Box 6700
Tallahassee, FL 32314-6700

Florida Department of Agriculture and Consumer Services
Division of Consumer Services



ADAM H. PUTNAM
COMMISSIONER

**PAWNBROKING
REGISTRATION APPLICATION**

Section 539.001, Florida Statutes
Rule 5J-13.002, Florida Administrative Code

1-800-HELP-FLA (435-7352) • 850-410-3800 *Calling Outside Florida*
www.800helpfla.com • 850-410-3804 *Fax*

Remit Non-Refundable Application
Fee Online at:
www.FreshFromFlorida.com

- or -

Check or Money Order payable to
FDACS and remit with application to:

FDACS
P.O. Box 6700
Tallahassee, FL 32314-6700

PLEASE TYPE OR PRINT. Additional pages may be attached if additional space is needed. This application will be returned if it does not bear an authorized signature or is incomplete. All documents and attachments submitted with this application are subject to public review pursuant to Chapter 119, F.S.

Business Information

Please Select one: New Filing Renewal PN#: _____ Change of Owner

Do you currently hold a Florida Pawn License at another location?

Yes No If yes, please provide the PN number for **ONE** of your other locations: _____

1. Name (If applicant is not an individual, state legal name as registered with the Florida Department of State):

* Fictitious (DBA) Name (if applicable):

**All fictitious names must be registered with the Division of Corporations. If business is a corporation then 'Name' is the legal name of the business as listed with the Division of Corporations.*

2. Business Street Address (include APT or SUITE # in all address lines):

City: _____ State: _____ Zip Code: _____

Mailing Address (if different from above):

City: _____ State: _____ Zip Code: _____

3. Telephone Number: () - **Fax Number:** () -

Email Address: _____ Website: _____

4. Name of Contact Person: _____ **Title of Contact Person:** _____

Mailing Address (if different from above):

City: _____

State: _____ Zip Code: _____

Telephone Number: () - Email Address: _____

5. Federal Employer ID #: _____ **Florida Sales Tax ID:** _____

Org Code: 42 10 06 25 000	
EO: A2	
Object Code: 001230	\$300.00
Object Code: 004156	\$43.50

Ownership

6. Form of organization:

- Corporation: _____
Corporation name as registered with the Florida Department of State
- Sole Proprietor: _____, _____, _____
Last Name First Name MI.
- Partnership: _____, _____, _____
Last Name First Name MI.
- Other: _____
Please Describe

Owner's Street Address <small>(If Sole Proprietor, state address of residence):</small> _____ City: _____ State: Zip Code: _____ - _____ Telephone Number: (_____) _____ - _____	Owner's Mailing Address: _____ City: _____ State: Zip Code: _____ - _____ Email Address: _____
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7. Please list the name and address of each direct or beneficial owner of at least 10%; the person in charge of daily operations and if corporation, all corporate officers, partners, directors, and registered agents. Please indicate whether any of the individuals listed below have been convicted of, entered a plea of guilty or nolo contendere to, had adjudication withheld for, or been incarcerated for a crime within the last 10 years. Please indicate if any of the individuals listed below acting as a beneficial owner for someone who has been convicted of, entered a plea of guilty or nolo contendere to, had adjudication withheld or been incarcerated for crime within the last 10 years? *[s. 539.001(4)(a)1, 3-4, F.S.]*

Mark YES or NO. If yes, provide on a separate sheet, the name of such person, the nature of the offense, the court having jurisdiction, the disposition of the offense, and the date of disposition.

Name: _____ Title: _____ Address: _____ City: State: _____ Zip Code: Ownership: _____ - _____ % <input type="checkbox"/> Yes <input type="checkbox"/> No	Name: _____ Title: _____ Address: _____ City: State: _____ Zip Code: Ownership: _____ - _____ % <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Name: _____ Title: _____ Address: _____ City: State: _____ Zip Code: Ownership: _____ - _____ % <input type="checkbox"/> Yes <input type="checkbox"/> No	Name: _____ Title: _____ Address: _____ City: State: _____ Zip Code: Ownership: _____ - _____ % <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Law Enforcement Information

8. Police Department:

Contact Person:

Telephone Number:

(_____) _____ - _____

Email Address:

Sheriff's Office:

Contact Person:

Telephone Number:

(_____) _____ - _____

Email Address:

Type of Security Provided

9. Type of Security (please check one and select location of security):

- Surety Bond:**
 - original enclosed
 - on file with the Department
- Irrevocable Letter of Credit:**
 - original enclosed
 - on file with the Department
- Certificate of Deposit:**
 - original enclosed
 - on file with the Department
- Net worth of at least \$50,000, no security required:**

Corporation: Include a copy of the most recently filed federal tax return. [s. 539.001(4)(b)3]

Personal/Sole Proprietor: Include a current financial statement prepared by a Florida Certified Public Accountant or an affidavit stating net worth is at least \$50,000 accompanied by a balance sheet (see enclosed sample).

10. The undersigned warrants that he/she is empowered to execute this application on behalf of the above named applicant and certifies that the owner(s), partners, directors, corporate officers and operators listed herein are of good moral character. The undersigned further acknowledges awareness of and compliance with all of the requirements of Chapter 539.001, F.S., including the use of an approved pawnbroker transaction form and that the pawn service charge may not exceed 25% of the amount financed for each 30 day period.

Print Name of Owner

Title

Signature of Owner

_____/_____/_____
Month Day Year

State of: _____

County of: _____

Sworn to (or affirmed) and subscribed before me this _____ **day of** _____, _____, **by** _____, **who is personally known to me or who has produced** _____ **as identification.**

SEAL/STAMP

(Notary Public Signature)

(Notary Public Name, Please Print)

Pawnbroking Net Worth Affidavit

Personal income tax returns do not include a listing of your assets and liabilities. If you are submitting a personal income tax return as proof of a net worth of at least \$50,000, please complete this balance sheet and return it to the Department.

Statement of assets and liabilities for _____ As of: _____, 20 _____

Assets		
Current Assets		
Cash	\$	
Accounts Receivable	\$	
Inventory	\$	
Prepaid Expenses	\$	
Other Current Assets	\$	
Total Current Assets		
Fixed Assets		
Land and Buildings (net)	\$	
Equipment (net)	\$	
Other Fixed Assets	\$	
Total Fixed Assets		
Other Assets		
Long-Term Investments	\$	
Other Assets	\$	
Other Assets	\$	
Total Other Assets		\$
Total Assets		\$

Liabilities and Equity		
Current Liabilities		
Accounts Payable	\$	
Short-Term Loans	\$	
Taxes Payable	\$	
Other Current Liabilities	\$	
Total Current Liabilities		
Long-Term Liabilities		
Mortgage Payable	\$	
Long-Term Loans	\$	
Other Long-Term	\$	
Total Long-Term Liabilities		\$
Equity		
Net Equity	\$	
Retained Earnings	\$	
Total Equity		\$
Total Liabilities and Equity		\$

I certify the above information to be true and accurate.

Print Name of Owner

Title

Signature of Owner

_____/_____/_____
Month Day Year

State of: _____

County of: _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, _____,

by _____, who is personally known to me or who has produced _____ as identification.

SEAL/STAMP

(Notary Public Signature)

Notary Public Name, Please Print

**PAWNBROKING
SURETY BOND**

1-800-HELP-FLA (435-7352) • 850-410-3800 *Calling Outside Florida*
www.800helpfla.com • 850-410-3804 *Fax*

*Section 539.001, Florida Statutes
Rule 5J-13.003, Florida Administrative Code*

Return completed form to:
FDACS
Pawnbroking Program
2005 Apalachee Parkway
Tallahassee, FL 32399-6500

Surety Bond Number:

Date of Surety Bond:

KNOWN ALL BY THIS PRESENT INSTRUMENT that we,

Principal (Applicant/Registrant)

Name (Legal name as registered with the Florida Department of State (if applicable) followed by fictitious/dba name):

Physical Street Address of Pawnshop:

City:

State:

Zip Code:

Mailing Address (if different from above):

City:

State:

Zip Code:

Telephone Number:

Fax Number:

() -

() -

Email Address:

AND

Surety

Name (Full legal name of Surety):

Street Address:

City:

State:

Zip Code:

Mailing Address (if different from above):

City:

State:

Zip Code:

Telephone Number:

Fax Number:

() -

() -

which Surety is authorized to do business and issue surety bonds in the state of Florida, are held firmly bound unto the State of Florida, Department of Agriculture and Consumer Services, ("Obligee"), in the sum of \$10,000 for the use and benefit of any consumer who is injured as a result of any fraud, misrepresentation, breach of contract, financial failure, or violation of sections 539.001 – 539.003, F.S., the Florida Pawnbroking Act, by the Principal. NOW, THEREFORE, the condition of this obligation is such that if the Principal shall perform or cause to be performed the duties and responsibilities for which the Principal may be held liable by reason of the Principal's failure to perform, fulfill, or carry out any duty or responsibility governed by ss. 539.001 – 539.003, F.S., and shall not injure a consumer by fraud, misrepresentation, breach of contract or financial failure, then this obligation shall be void. Otherwise this obligation shall remain in force and effect in law subject, however, to the following limitations:

1. That the Obligee (state of Florida) shall notify the Surety of any default of the Principal hereunder, at the earliest possible time following the discovery of such default.
2. That the Surety shall promptly notify the Obligee in writing of any changes in either the Principal or amount of bond set forth above. However, failure of the Surety to provide such notice shall not affect the validity of this bond.
3. That if the Surety shall so elect, this bond may be canceled by giving 30 days written notice to the Obligee. Said notice shall contain the full name, city, and state where the Principal is located, and the pawnbroking registration number assigned to the Principal by the Obligee. The Surety, however, will remain liable for any default occurring during the period up to the expiration of said 30 days notice and such 30 day period shall begin only upon receipt of said notice by the Obligee.
4. That in no event shall the Surety be liable for a greater amount than that shown above.

This bond is effective this _____ day of _____, 20_____, 12:01 A.M., standard time and shall continue in force until canceled.

In witness hereof, the Principal and Surety have executed this instrument through their respective undersigned representatives, who are fully authorized to execute this instrument, on the _____ day of _____, 20_____.

Principal

Witness

Signature

Witness

Title

Full Legal Name of Principal

Surety

Witness

Signature (Seal)

Witness

Title

Local Agent

Name of Local Agent

Address

Contact Person

Contact Telephone Number

NOTE: The Department shall not accept for filing a Pawnbroking Certificate of Deposit Assignment which is not an original document issued by a Florida banking institution.

Pawnbroking Certificate of Deposit Assignment Form

(Legal Name of applicant for Pawnbroking License), Assignor, does hereby assign, transfer, and set over unto the Florida Department of Agriculture and Consumer Services, Assignee, all right, title, and interest to and in Certificate of Deposit Number _____ entitled _____ and issued by _____ (Name and address of Depository) Depository, in the amount of \$10,000.00, excluding interest payable thereon. This assignment is made as security pursuant to Sections 539.001 – 539.003, Florida Statutes, the Florida Pawnbroking Act, for _____ (Legal Name and address of pawn shop - separate certificate of deposit or other security for each location). This assignment includes any substitution or renewals to the Certificate of Deposit described, and shall remain in effect until Assignee notifies Depository in writing of the cancellation of this assignment.

Assignee is authorized to draw against the above Certificate of Deposit pursuant to the Florida Pawnbroking Act, and Depository is directed to pay up to the Principal Sum to Assignee upon demand. Partial draft is permitted. Any payments made pursuant to this assignment shall constitute acquittance of Depository. Depository shall not pay any portion of the Principal Sum to Assignor without prior written cancellation of this assignment from the Assignee. This Certificate of Deposit may not be encumbered in any way, and any attempted encumbrance is void.

Signature of Assignor

Date

Depository Acknowledgement of Assignment

The Assignor's signature above compares correctly with our files. Principal Sum is \$_____, and the above assignment will be considered valid and honored until written cancellation is received from Assignee.

Depository Name:

Address:

City:

State:

Zip Code:

Telephone Number:

(_____) _____ - _____

Name of Authorized Depository Officer:

Title of Authorized Depository Officer:

Signature of Authorized Depository Officer

Date

NOTE: The Department shall not accept for filing a Pawnbroking Irrevocable Letter of Credit which is not an original document issued by a Florida banking institution.

Pawnbroking Irrevocable Letter of Credit

Name (Legal name as registered with the Florida Department of State (if applicable) followed by fictitious/dba name):

Physical Street Address of Pawn Shop:

City: _____ **State:** _____ **Zip Code:** _____ - _____

Mailing Address (if different from above):

City: _____ **State:** _____ **Zip Code:** _____ - _____

Telephone Number: (_____) _____ - _____ **Fax Number:** (_____) _____ - _____

Email Address:

Letter of Credit Number: _____ **Date of Letter of Credit:** _____ / _____ / **20** **Date of Expiration:** _____ / _____ / **20**

(Name and Address of Issuer) ("Issuer") does hereby establish this

Irrevocable Letter of Credit in the name of _____
(Name and complete address of registrant/licensee as registered with the Department)

("Principal"), in the aggregate amount of \$10,000 available by draft at sight, for the benefit of the Florida Department of Agriculture and Consumer Services ("Department"), pursuant to ss. 539.001, F.S. Drafts made under this Irrevocable Letter of Credit shall be marked "Drawn under Irrevocable Letter of Credit Number _____," and must be accompanied by any one of the following:

- Written notice by the Department that the Principal failed to perform its obligation to provide services to a paid consumer;
- Written notice by the Department that the Principal failed to pay its liabilities after such liabilities were adjudicated between Principal and a consumer, or the State of Florida, and a judgment of a court of competent jurisdiction was entered against the Principal, with copy of the final judgment being attached to the Department's written notice;
- Written notice by the Department that the Principal, after reasonable notice, failed to perform its obligations to any consumer under the terms of its contracts or as required by Florida law; or
- Notice by the Department that the Principal is insolvent, or is no longer in active operation, or is otherwise unable to meet its obligations to any customer, and that the Principal is not satisfying said obligations.

Partial draft by the Department is permitted and surrender of this Irrevocable Letter of Credit will not be required for endorsements in such event.

The Issuer guarantees all drafts made under and in compliance with this Irrevocable Letter of Credit will be honored when presented on or before _____ (Date of Expiration), or during any period of extension of this Irrevocable Letter of Credit.

This Irrevocable Letter of Credit shall be in effect, without amendment, until the date set forth in the previous paragraph. This Irrevocable Letter of Credit automatically shall be extended for (1) year periods, each commencing immediately upon expiration of the prior period, unless at least ninety (90) days prior to the expiration date the Issuer notifies the Department in writing that the Issuer elects not to extend this Irrevocable Letter of Credit.

This Irrevocable Letter of Credit is established for the Principal at the following registered/licensed business physical location:

_____.

This Irrevocable Letter of Credit is governed by the following:

- A. The laws of the state of Florida, as amended subsequent to the effective date of this Irrevocable Letter of Credit, including without limitation Chapter 675, F.S., all other statutes, all other acts of the Florida Legislature, and all administrative regulations applicable to this Irrevocable Letter of Credit, the Issuer, or the Principal;
- B. To the extent the following are not in conflict with Chapter 675, F.S., any other law of the State of Florida, or any administrative regulations applicable to this Irrevocable Letter of Credit, the Issuer, or the Principal, the provisions of (*the Issuer may designate only one of the following conventions to the exclusion of the terms of the alternate; failure to so designate excludes all terms of the following*):

_____ International Standby Practices ISP 98 Publication 590

_____ Uniform Customs and Practice for Documentary Credits (2007 Rev.), ICC Publication 600.

Venue for any administrative proceeding or judicial action arising from this Irrevocable Letter of Credit, including any action to enforce its terms against the Issuer, shall be in Leon County, Florida.

Authorized Signature and Title of Financial Institution Officer

Printed Name and Title of Authorized Officer

Authorization: Attached and incorporated into this Irrevocable Letter of Credit is a true copy of the written designation, delegation, or other official authorization from the Issuer to the above-named Officer to execute this Irrevocable Letter of Credit as a binding obligation of the Issuer. **The Department shall not accept any Irrevocable Letter of Credit which does not include the foregoing authorization as an attachment.**