

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

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| PROCEDURE | SUBJECT: | | |
| VSTL-32 | APPLICATION FOR A VESSEL CERTIFICATE OF TITLE BY PAWNBROKERS | | |
| DESCRIPTION AND USE: | | | |
| <p>THIS PROCEDURE IS PROVIDED TO ASSIST EMPLOYEES OF TAX COLLECTORS' OFFICES AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN PROCESSING APPLICATIONS FOR THE TRANSFER AND ISSUANCE OF CERTIFICATES OF TITLE TO PAWNBROKERS.</p> | | | |
| <p>I. PROVISIONS OF LAW:</p> <p>Section 328.03(3), Florida Statutes, provides for the transfer of a vessel certificate of title.</p> <p><u>Section 539.001(1), Florida Statutes, states, This section may be cited as the "Florida Pawnbroking Act."</u></p> <p><u>Section 539.001(9)(c), Florida Statutes, states that all goods delivered to a pawnbroker in a pawn or purchase transaction must be securely stored and maintained in an unaltered condition within the jurisdiction of the appropriate law enforcement official for a period of 30 calendar days after the transaction. Those goods delivered to a pawnbroker in a purchase transaction may not be sold or otherwise disposed of before the expiration of such period.</u></p> <p><u>Section 539.001(10), Florida Statutes, provides that pledged goods not redeemed within the 30-day period following the maturity date of a pawn are automatically forfeited to the pawnbroker; absolute right, title, and interest in and to the goods shall vest in and shall be deemed conveyed to the pawnbroker by operation of law; and no further notice is necessary.</u></p> <p><u>Section 539.002, Florida Statutes, states, Chapter 538, Florida Statutes, does not apply to pawnbrokers licensed under the Florida Pawnbroking Act. Section 538.03(1)(a), Florida Statutes, defines a secondhand dealer as, any person, corporation, or other business organization or entity which is not a secondary metals recycler, which is engaged in the business of purchasing, consigning, or pawning secondhand goods. However, secondhand dealers are not limited to dealing only in items defined as secondhand goods in paragraph (g). Except as provided in subsection (2), the term means pawnbrokers, jewelers, precious metals dealers, garage sale operators, secondhand stores, and consignment shops.</u></p> | | | |
| <i>Revision(s) to this Procedure: Revised the entire procedure.</i> | | | |
| DIVISION DIRECTOR | EFFECTIVE DATE | REVISION DATE | PAGE # |
| | 01 01/97 | 05/21/04 | TL-32-01 |

STATE OF FLORIDA
Division of Motorist Services

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| VSTL-32 | APPLICATION FOR A VESSEL CERTIFICATE OF TITLE BY PAWNBROKERS |

II. **GENERAL INFORMATION:**

If the pawn or purchase transaction involves a vessel, the vessel must be delivered into the possession of the pawnbroker.

When the pawnbroker enters into any pawn or purchase transaction, the pawnbroker must complete a "pawnbroker transaction form" for the transaction, including an indication of whether the transaction is a pawn or a purchase. The pledgor or seller must sign the completed form.

Any vessel pledged to a pawnbroker which is not redeemed within 30 days following the maturity date of the pawn, if the 30th day is not a business day, then the following business day, is automatically forfeited to the pawnbroker by operation of law and no further notice is necessary.

III. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:

A. When a "pawn" is in default (not redeemed within 30 days following the maturity date of the pawn), the pawnbroker must submit the following documentation to the tax collector's office:

- 1. The Florida or out-of-state certificate of title, or official proof of ownership.**

NOTE: The title does not have to be completed for transfer.

- 2. A form HSMV 82040, Application for Certificate of Title with/without Vehicle Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the pawnbroker.**

NOTE: The pawnbroker must obtain a title in their name prior to selling the vessel.

- 3. A copy of the Pawnbroker's Certificate of Registration issued by the Florida Department of Agriculture and Consumer Services pursuant to the requirements of Chapter 539, Florida Statutes.**
- 4. A copy of the "pawnbroker transaction form" indicating the pawn. See Exhibits C & D concerning the "Pawnbroker Transaction Form."**
- 5. An affidavit stating the vessel has not been redeemed within the 30 day period following the maturity date of the pawn.**

- 6. Lien satisfaction(s) for any liens, as shown on the vessel records of this or any other state.**

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| <p style="text-align:center">7. <u>Specify on form HSMV 82040, Application for Certificate of Title with/without Registration, or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, "Obtained pursuant to Chapter 539, Florida Statutes."</u></p> <p style="text-align:center">8. <u>A Florida registration number transferred to or issued for the vessel, or a non-use affidavit.</u></p> <p style="text-align:center">9. <u>Title fees.</u></p> <p>B. <u>When the pawnbroker has held a vessel for a period of 30 calendar days after a "purchase transaction," and the pawnbroker is taking title, the pawnbroker must submit the following documentation to the tax collector's office:</u></p> <p style="text-align:center">1. <u>The Florida or out-of-state certificate of title, or official proof of ownership, accurately completed for transfer to the pawnbroker.</u></p> <p><u>NOTE: The title MUST be completed for transfer to the pawnbroker.</u></p> <p style="text-align:center">2. <u>A form HSMV 82040, Application for Certificate of Title with/without Vehicle Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the pawnbroker.</u></p> <p><u>NOTE: The pawnbroker must obtain a title in their name prior to selling the motor vehicle.</u></p> <p style="text-align:center">3. <u>A copy of the Pawnbroker's Certificate of Registration issued by the Florida Department of Agriculture and Consumer Services pursuant to the requirements of Chapter 539, Florida Statutes.</u></p> <p style="text-align:center">4. <u>A copy of the "pawnbroker transaction form" indicating the purchase. See Exhibits C & D concerning the "Pawnbroker Transaction Form."</u></p> <p style="text-align:center">5. <u>An affidavit stating the vessel has been held by the pawnbroker for a period of 30 calendar days after the date of the "purchase" transaction.</u></p> <p style="text-align:center">6. <u>Lien satisfaction(s) for any liens, as shown on the vessel records of this or any other state.</u></p> <p style="text-align:center">7. <u>Specify on form HSMV 82040, Application for Certificate of Title with/without Registration, or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, "Obtained pursuant to Chapter 539, Florida Statutes."</u></p> <p style="text-align:center">8. <u>A Florida registration number transferred to or issued for the vessel, or a non-use affidavit.</u></p> <p style="text-align:center">9. <u>Title fees.</u></p> | |
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IV. MISCELLANEOUS INFORMATION:

- A. The pawnbroker transaction form will indicate whether the transaction was a pawn or a purchase.**
- B. If the pawnbroker is taking title, a penalty fee is not applicable, as this is an operation of law transaction.**
- C. Pawnbrokers may extend the maturity date for a transaction and must give the pledgor a written memorandum (which may be a new transaction form) specifying the new default date.**
- D. If an owner repurchases a vessel from a pawnbroker pursuant to a "purchase transaction" and sells the vessel to a new buyer, the owner must give the buyer an affidavit. The affidavit must explain why the certificate of title was assigned to the pawnbroker, state that the transfer to the pawnbroker is null and void and state the name of the new purchaser. This affidavit must be submitted to the license plate agency along with the certificate of title and application for title.**
- E. A "Information Concerning Pawnbrokers" page is attached as Exhibit A.**
- F. A documentation check list is attached as Exhibit B.**
- G. A "Definitions" page is attached as Exhibit C.**
- H. S. 539.001(8), Florida Statutes (PAWNBROKER TRANSACTION FORM), is attached as Exhibit D.**
- I. A "Pawnbroker Transaction Form" is attached as Exhibit E.**
- J. See Forms Appendix for a sample of the HSMV forms referred to in this procedure.**

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EXHIBIT A

INFORMATION CONCERNING PAWNBROKERS

A "pawnbroker," as defined in Chapter 539, must be licensed by the Department of Agriculture and Consumer Services. This license is renewed annually. They must also obtain a local occupational license.

A pawnbroker does two types of transactions for vessels, which are:

1. **Pawn** Pawnbroker must take title.
2. **Purchase** Pawnbroker must take title.

The certificate of title **does not** have to be signed over for a "pawn."

The certificate of title **does** have to be signed over for a "purchase."

The motor vehicle must be in possession of the pawnbroker.

The instrument used by a pawnbroker to record a "pawn" or a "purchase" is a "Pawnbroker Transaction Form."

If the transaction is a "pawn," the vessel may be titled to the pawnbroker if the vessel is not redeemed within the 30-day period following the maturity date of the pawn.

If the transaction is a "purchase," the vessel may be titled to the pawnbroker if the vessel is not redeemed for a period of 30 days after the date of the purchase transaction.

EXHIBIT B

PAWN CHECK LIST

The pawnbroker must obtain a title in their name prior to selling the motor vehicle.

FLORIDA RECORD

OUT-OF-STATE RECORD

_____ HSMV 82040 **or 82041**

_____ HSMV 82040 **or 82041**

_____ Florida Certificate
of Title

_____ HSMV 82042, **or the VIN verification
section on form HSMV 82040**

_____ Out-of-state proof of ownership

NOTE: Title does not have to be completed for transfer.

_____ **Copy of the "Pawnbroker's Registration Certificate" issued by the Florida Department
of Agriculture and Consumer Services.**

_____ **Copy of the "pawnbroker transaction form" indicating the "pawn."**

_____ **An affidavit stating the motor vehicle has not been redeemed within the 30
day period following the maturity date of the pawn.**

_____ **Specify on form 82040 or 82041, "Obtained pursuant to Chapter 539, Florida Statutes."**

_____ The Florida registration number transferred to or issued for the vessel, or non-use affidavit.

_____ Title fees.

PURCHASE CHECK LIST

The pawnbroker must obtain a title in their name prior to selling the motor vehicle.

FLORIDA RECORD

OUT-OF-STATE RECORD

_____ HSMV 82040 **or 82041**

_____ HSMV 82040 **or 82041**

_____ Florida Certificate
of Title

_____ Out-of-state proof of ownership

NOTE: Title must be completed for transfer.

_____ **Copy of the "Pawnbroker's Registration Certificate" issued by the Florida Department
of Agriculture and Consumer Services.**

_____ **Copy of the "pawnbroker transaction form" indicating the "purchase."**

_____ **An affidavit stating the vessel has been held by the pawnbroker for a period of 30
calendar days after the date of the "purchase" transaction.**

_____ **Specify on form 82040 or 82041, "Obtained pursuant to Chapter 539, Florida Statutes."**

_____ The Florida registration number transferred to or issued for the vessel, or non-use affidavit.

_____ Title fees.

EXHIBIT C

DEFINITIONS

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| <u>DEFAULT DATE</u> | <u>The date upon which the pledgor's right of redemption expires and absolute right, title, and interest in and to the pledged goods shall vest in and shall be deemed conveyed to the pawnbroker by operation of law.</u> |
| <u>PAWN</u> | <u>An 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 the terms and conditions contained in Chapter 539.</u> |
| <u>PAWNBROKER</u> | <u>Any 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. A pawnbroker may also engage in the business of purchasing goods which includes consignment and trade.</u> |
| <u>PAWNBROKER TRANSACTION FORM</u> | <u>The instrument on which a pawnbroker records pawns and purchases.</u> |
| <u>PAWNSHOP</u> | <u>The location at which a pawnbroker conducts business.</u> |
| <u>PERMITTED VENDOR</u> | <u>A vendor who furnishes a pawnbroker with an invoice specifying the vendor's name and address, the date of the sale, a description of the items sold, and the sales price, and who has an established place of business, or, in the case of a secondhand dealer as defined in s. 538.03, has represented in writing that such dealer has complied with all applicable recordkeeping, reporting, and retention requirements pertaining to goods sold or otherwise delivered to a pawnbroker.</u> |
| <u>PLEDGED GOODS</u> | <u>Tangible personal property that is deposited with, or otherwise delivered into the possession of a pawnbroker in connection with a pawn. "Pledged Goods" does not include titles or any other form of written security in tangible property in lieu of actual physical possession.</u> |
| <u>PLEDGOR</u> | <u>An individual who delivers pledged goods into the possession of a pawnbroker in connection with a pawn.</u> |
| <u>PURCHASE</u> | <u>The transfer and delivery of goods, by a person other than a permitted vendor, to a pawnbroker by acquisition for value, consignment, or trade for other goods.</u> |

EXHIBIT D

S. 539. 001(8), Florida Statutes:

PAWNBROKER TRANSACTION FORM.

(a) At the time the pawnbroker enters into any pawn or purchase transaction, the pawnbroker shall complete a pawnbroker transaction form for such transaction, including an indication of whether the transaction is a pawn or a purchase, and the pledgor or seller shall sign such completed form. The agency must approve the design and format of the pawnbroker transaction form, which must be 8¹/₂ inches x 11 inches in size and elicit the information required under this section. In completing the pawnbroker transaction form, the pawnbroker shall record the following information, which must be typed or written indelibly and legibly in English.

(b) The front of the pawnbroker transaction form must include:

1. The name and address of the pawnshop.
2. A complete and accurate description of the pledged goods or purchased goods, including the following information, if applicable:
 - a. Brand name.
 - b. Model number.
 - c. Manufacturer's serial number.
 - d. Size.
 - e. Color, as apparent to the untrained eye.
 - f. Precious metal type, weight, and content, if known.
 - g. Gemstone description, including the number of stones.
 - h. In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish.
 - i. Any other unique identifying marks, numbers, names, or letters.

Notwithstanding sub-subparagraphs a.-i., in the case of multiple items of a similar nature delivered together in one transaction which do not bear serial or model numbers and which do not include precious metal or gemstones, such as musical or video recordings, books, and hand tools, the description of the items is adequate if it contains the quantity of items and a description of the type of items delivered.

3. The name, address, home telephone number, place of employment, date of birth, physical description, and right thumbprint of the pledgor or seller.

4. The date and time of the transaction.

5. The type of identification accepted from the pledgor or seller, including the issuing agency and the identification number.

6. In the case of a pawn:

- a. The amount of money advanced, which must be designated as the amount financed;
- b. The maturity date of the pawn, which must be 30 days after the date of the pawn;
- c. The default date of the pawn and the amount due on the default date;
- d. The total pawn service charge payable on the maturity date, which must be designated as the finance charge;
- e. 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;
- f. The annual percentage rate, computed according to the regulations adopted by the Federal Reserve Board under the federal Truth in Lending Act; and
- g. The front or back of the pawnbroker transaction form must include a statement that:

(I) Any personal property pledged to a pawnbroker within this state which is not redeemed within 30 days following the maturity date of the pawn, if the 30th day is not a business day, then the following business day, is automatically forfeited to the pawnbroker, 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;

(II) The pledgor is not obligated to redeem the pledged goods; and

(III) If the pawnbroker transaction form is lost, destroyed, or stolen, the pledgor must immediately advise the issuing pawnbroker in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt.

(IV) A pawn may be extended upon mutual agreement of the parties.

7. 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.

8. 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. If the value of the money received is less than \$300, a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

b. If the value of the money received is \$300 or more, a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(c) A pawnbroker transaction form must provide a space for the imprint of the right thumbprint of the pledgor or seller and a blank line for the signature of the pledgor or seller.

(d) At the time of the pawn or purchase transaction, the pawnbroker shall deliver to the pledgor or seller an exact copy of the completed pawnbroker transaction form.

EXHIBIT E

FLORIDA PAWNBROKER TRANSACTION FORM

PAWNBROKER
/ CREDITOR

TRANSACTION DATE

CONTROL #

DEPT. #

TIME _____ MATURITY DATE _____
 TYPE OF TRANSACTION PURCHASE / TRADE CONSIGNMENT PAWN

| | | | | | | | |
|-------------------------|---|------------|----------------------|------------|---|------------|--|
| PLEDGOR / SELLER | NAME (Last) _____ (First) _____ (Middle) _____ | | DATE OF BIRTH _____ | | SEX (M/F) _____ | RACE _____ | W. WHITE B. BLACK I. AMERICAN INDIAN A. ASIAN/ORIENTAL H. HISPANIC |
| | RESIDENTIAL ADDRESS (Street, Apt. No., City, State & Zip) _____ | | | | HOME PHONE (Area Code & Number) _____ | | |
| | PLACE OF EMPLOYMENT _____ | | | | BUSINESS PHONE (Area Code & Number) _____ | | |
| | D.L. # / OFFICIAL PHOTO I.D. # _____ | TYPE _____ | AGENCY / STATE _____ | HGT. _____ | WGT. _____ | EYES _____ | |

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| CODES | FIREARM | ACTION | FINISH | JEWELRY | METAL | GENDER | STYLE | STONE SHAPE | STONE COLOR |
| | H. Handgun R. Rifle S. Shotgun A. Airgun B. Black Powder BARREL 1. Single 2. Double 3. Over Under 4. Other | R. Revolver A. Semi-Auto B. Bolt Action L. Lever P. Pump S. Single Shot | C. Chrome Nickel B. Blue Steel S. Stainless Steel X. Other | R. Ring W. Watch N. Necklace B. Bracelet P. Pendant Charm E. Earrings C. Chain L. Cufflinks X. Other | Y. Yellow Gold W. White Gold S. Sterling Silver P. Platinum T. Tri-Color X. Other | M. Men's W. Woman's N. Not Applicable | S. Serpentine H. Herringbone R. Rope B. Box Link F. Figaro A. Cameo C. Class School P. Band O. Solitaire N. Nugget M. Monogram D. Cluster X. Other | O. Oval R. Round P. Pear E. Emerald M. Marquise X. Heart Y. Yellow K. Black Q. Brown W. White | C. Clear G. Green A. Amber P. Purple B. Blue R. Red/Pink Y. Yellow K. Black Q. Brown W. White |

| YOU ARE GIVING A SECURITY INTEREST IN THE FOLLOWING PROPERTY | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| ITEM 1 | | | | | ITEM 2 | | | | | ITEM 3 | | | | | ITEM 4 | | | | | ITEM 5 | | | | | ITEM 6 | | | | |
| SERIAL NUMBER | OWNER APPLIED NUMBER | | | | ITEM TYPE | BRAND | | | | MODEL NUMBER | | | | DESCRIPTION OF ITEM (Inscriptions, Color, Size, Marks, Design, School, Year, Initials, Barrel Length) | | | | TYPE | ACTION | GAUGE | CALIBER | FINISH | BARREL | AMOUNT | | | | | |
| TYPE | METAL | KT | WT | GENDER | STYLE | SIZE LENGTH | #STONES | SHAPE | CT | WT | COLOR | #STONES | SHAPE | CT | WT | COLOR | #STONES | SHAPE | CT | WT | COLOR | | | | | | | | |
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| AMOUNT FINANCED. The amount of cash given directly to you. \$ _____ | FINANCE CHARGE. The dollar amount the credit will cost you. \$ _____ | TOTAL OF PAYMENTS. Amount required to redeem pledged property on the Maturity Date. \$ _____ | ANNUAL PERCENTAGE RATE. The cost of your credit as a yearly rate. % _____ | MATURITY DATE _____ |
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| See your contract for any additional information concerning nonpayment and default and prepayment refunds or penalties. Pawn Default Date _____ Amount required to redeem pledged property on Pawn Default Date \$ _____ PURCHASE / TRADE \$ _____ | PREPAYMENT: If you pay off early, you will not be entitled to a refund of part of the Finance Charge. PAYMENT SCHEDULE: Total of Payments is due on Maturity Date shown above. | The Pledgor/Seller represents and warrants that the pledged/sold property is not stolen, rented or leased and that they have no liens or encumbrances against them. Pledgor/Seller also attests to be the rightful owner of the pledged/sold property, that Pledgor/Seller has the right to pledge/sell the property. Pledgor/Seller attests that the Pledgor/Seller is not in voluntary or involuntary bankruptcy of any type and is at least 18 years of age. I, the Pledgor/Seller, agree to all terms and conditions on the front and back and acknowledge receipt of a copy of this document. I also state, Under penalty of perjury, I have read the foregoing document, and the facts stated in it are true. NOTICE: See Reverse Side _____ EMPLOYEE'S INITIALS OR NUMBER PLEDGORS/SELLER'S SIGNATURE Right Thumb Print of Pledgor/Seller |
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