



THE COURT HEARING

After a hearing, if the court orders the return of the property to the claimant:

- The claimant may recover from the pawnbroker, the claimant's attorney's fees, if any.
- If the court finds that the claimant failed to comply with the requirements of the statute, or otherwise finds against the claimant, the claimant is liable for the defendant's costs, including attorney's fees.

If the court orders property returned to the claimant the pawnbroker may be eligible to recover from the conveying customer.

- If convicted of theft, the court shall order that the conveying customer must repay the pawnbroker the full amount the customer received from the pawnbroker for the property.
- The conveying customer shall be responsible for the pawnbroker's cost incurred in the proceeding, including the broker's attorney's fees incurred by defending a replevin action.

PROTECTING YOURSELF

Keep a list of your valuables including detailed descriptions and serial numbers. For all expensive items be sure you have receipts and photos, especially for those items without serial numbers. Etch you name and driver's license number on items when possible. This will help the police search for your property and will also be helpful in returning the property to you if it is found.

Provide this list to the police. All pawnshops in Pinellas County must report all items received to the police department.

**St. Petersburg Police Department
Property Recovery Unit
727-893-7618**

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This publication can be made available upon request in alternative formats, such as, Braille, large print, audiotope, or computer disk. Requests can be made by calling (727) 893-7345 (Voice) or 711 for the Florida Relay Service or email the ADA Coordinator at lendel.bright@stete.org. Please allow 72 hours for your request to be processed.

Florida Pawnbroking Act

A Guide to Your Rights and Remedies

St. Petersburg Police Department



IF YOU ARE A VICTIM OF A THEFT AND YOUR PROPERTY HAS BEEN LOCATED IN A PAWNSHOP, WHAT ARE YOUR RIGHTS?

Being a victim of theft is a disturbing experience. Almost equally disturbing can be the process of recovering your stolen property. Criminals can quickly dispose of your valuables by pawning them or selling them to pawnshops. Fortunately, there are things you can do to protect yourself from being a victim and remedies you can take if you are a victim.

FLORIDA PAWNBROKING ACT

The Florida Pawnbroking Act states:

- To obtain possession of stolen property held by a pawnbroker, the victim must notify the broker by certified mail, return receipt requested, or in person, evidenced by a signed notice. (You may use the claim notice form attached to this brochure.)
- The notice must contain a description of the property and must be accompanied by a copy of the law enforcement agency's report of the theft.

If you reported the crime to the St. Petersburg Police Department, you may obtain a copy of the report from the police department. Records personnel will provide individual report release information specific to each public records request.

If you need assistance you may call **727-893-7537** or visit our Records Counter in the main lobby of the police department at **1301 First Avenue North, St. Petersburg, FL 33705.**

The Florida Pawnbroking Act also states:

- If your stolen property is found in a pawnshop you may decide to purchase it back or obtain a court order to recover the property.
- Florida courts have ruled that police may no longer recover stolen property from pawnshops and return it to a victim of crime without providing the broker an opportunity for a hearing.
- If you and the pawnbroker do not resolve the matter within 10 days after the pawnbroker's receipt of the notice, you may petition the court to order the return of the property naming the pawnbroker as a defendant.
- In order to obtain a court order to recover your property, you will need to file a "Statement of Claim for Return of the Property" (form SC123) with the Clerk of the County Court. It is recommended that you seek legal assistance to file the petition.
- Once notified by the court, the pawnbroker is required to hold the property until the right of possession is resolved by the parties or by the court.

To obtain a court order contact:
Clerk of the Court
Pinellas County Courthouse
Small Claims Division
545 First Avenue North
St. Petersburg, FL 33705
727-582-7771

NOTICE CLAIM FORM

The undersigned hereby notifies the Florida Pawnbroker who has possession of the described property that the property has been reported stolen to a police agency and the undersigned is requesting the property be surrendered to this claimant.

Property:

If the claimant and the pawnbroker do not resolve the matter within 10 days after receipt of this notice, the claimant may petition the court to order the return of the property.

Claimant/Victim Date

Pawnbroker Date

Address of Pawnbroker

Phone number of Pawnbroker

Case/Report Number