To obtain a court order, contact:

Clerk of Court

Lee County Justice Center

1700 Monroe Street

2nd Floor

Ft. Myers, FL 33901

239-533-5000

If, after a hearing, the court orders the return of the property to the claimant:

1. The claimant may recover from the pawnbroker the claimant's attorney's fees.
2. 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.
3. 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.

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 you are a victim of a theft and your property has been located in a pawnshop, what are your rights

Disclaimer: *This material is for general information only and shall not be construed as legal advice or counseling.*

It is the policy of the Lee County Sheriff's Office to protect the Constitutional rights of all people, regardless of race, color, ethnicity, gender, sexual orientation, physical handicap, religion or other belief system or physical characteristic; and to treat each person with respect and dignity.

"Proud To Serve"

Sheriff Mike Scott

14750 Six Mile Cypress Parkway
Fort Myers, Florida 33912

Emergency Number: 9-1-1
Phone: 239-477-1000
WWW.SHERIFFLEEFL.ORG

Proud To Serve

Guide to Rights and Remedies of the Florida Pawnbroking Act

Office of Lee County

Sheriff Mike Scott

Lee County Sheriff's Office
Emergency 9–1-1
Non-Emergency 239-477-1000
www.sheriffleefl.org

Florida courts have ruled that law enforcement may no longer recover stolen property from pawnshops and return it to a victim of a crime without providing the broker an opportunity of a hearing.

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.

In order to obtain a court order to recover your property, you will need to file a petition for return of the property with the Clerk of the County Court. It is recommended that you seek legal assistance to file the petition.

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 a crime to the Lee County Sheriff's Office, you may obtain a copy of the report from our Records Division.

Lee Count Sheriff's Office

Records

14750 Six Mile Cypress Parkway

Fort Myers, FL 33912

239-477-1350

Hours of Operation:

Monday—Friday

7:30 AM—5:30 PM

The Florida Pawnbroking Act further states:

If the victim and the pawnbroker do not resolve the matter within 10 days after the pawnbroker's receipt of the notice, the victim may petition the court to order the return of the property, naming the pawnbroker as a defendant.

The pawnbroker is required to hold the property, until the right to possession is resolved by the parties or by the court.

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 law enforcement 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 the receipt of this notice, the claimant may petition the court to order the return of the property.

_____

Claimant/Victim Date

_____

Pawnbroker Date

_____

Location of Pawn Shop