

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA REGULATING THE MOTOR VEHICLE TITLE LOAN INDUSTRY WITHIN ST. JOHNS COUNTY; SETTING THE MAXIMUM FEE AND INTEREST RATE THAT THE LENDER MAY CHARGE; MAKING FINDINGS; PROVIDING DEFINITIONS; REQUIRING LICENSES; REQUIRING THE POSTING OF SIGNS; PROVIDING FOR ENFORCEMENT; PROVIDING PENALTIES; PROVIDING FOR PRIVATE RIGHTS OF ACTION; PROVIDING A TRANSITION PERIOD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

SECTION 1. JURISDICTION. This ordinance shall apply in the incorporated and the unincorporated areas of St. Johns County, Florida.

SECTION 2. FINDINGS. The Board of County Commissioners of St. Johns County, Florida finds, determines and declares the following:

1. St. Johns County, Florida is a county and a political subdivision of the State of Florida.
2. Pursuant to Section 1(f); Article VIII, Florida Constitution, and Section 125.01, Florida Statutes, and other applicable general law, the Board of County Commissioners of St. Johns County, Florida is authorized and given the power to carry on county government. Such power includes but is not restricted to the power to:
  - Establish, coordinate, and enforce such business regulations as are necessary for the protection of the public. Section 125.01(1)(h), Florida Statutes.
  - Adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law. Section 125.01(1)(t), Florida Statutes.
  - Perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law. Section 125.01(1)(w), Florida Statutes.

3. Section 125.01(3), Florida Statutes, provides (a) that the enumeration of powers set forth in Section 125.01, Florida Statutes, shall not be deemed exclusive or restrictive, but shall be deemed to incorporate powers necessary or incident to carrying out the powers enumerated in Section 125.01, Florida Statutes, and (b) that the provisions of Section 125.01, Florida Statutes, shall be liberally construed in order to effectively carry out the purpose of the section and to secure for the counties the broad exercise of home rule powers authorized by the Florida Constitution.

4. Sections 538.03 - 538.17, Florida Statutes, among other things, regulates the title loan industry and sets the maximum fee (22 percent per month) that a person or entity entering into a title loan transaction may charge.

5. Charging a fee in excess of 2½ percent per month in title loan transactions is harmful and detrimental to the citizens, residents and visitors of and to St. Johns County; especially the poor and the young.

6. Borrowers in St. Johns County are in need of greater borrower protection for title loan transactions than is provided in Sections 538.03 - 538.17, Florida Statutes.

7. The providing of loans to members of the general public constitutes a public service that has traditionally been the subject of governmental regulations.

8. Section 538.17, Florida Statutes, expressly provides that nothing in Sections 538.03 - 538.17 shall preclude political subdivisions of the State of Florida from enacting laws more restrictive than the provisions set forth in those sections. This section confirms the Legislature's intent that counties be allowed, in the county's discretion, to regulate title loan transactions in a manner more restrictive than the State.

**SECTION 3. DEFINITIONS.** The following words and phrases shall have the following meanings unless the context requires otherwise:

1. "Board of County Commissioners" means the Board of County Commissioners of St. Johns County, Florida.

2. "County" means St. Johns County, Florida.

3. "County Administrator" means the County Administrator for the County and/or his or her designee.

4. "Person" shall mean any person, corporation, partnership, or entity and any combination thereof, including the plural, as the context allows.

5. "Secondhand Dealer" means any Person engaged in the business of participating in or entering into Title Loan Transactions. The term Secondhand Dealer does not

include any financial institution as defined in Section 655.005, Florida Statutes, when such financial institution is regulated by the Florida Department of Banking and Finance or by a similar department or agency of the federal government.

6. "Title Loan Transaction" means a loan of money secured by bailment of a certificate of title to a motor vehicle. A title loan or title loan transaction is not a pawn if the Secondhand Dealer does not maintain physical possession of the vehicle throughout the term of the transaction. Any transaction or agreement wherein a Person or his agent or assigns delivers a motor vehicle certificate of title in exchange for the advancement of funds to such Person, his agent or assigns, on the condition that said Person, his agent or assigns, shall or may redeem or repurchase the certificate of title upon the payment of a sum of money, whether the transaction or agreement is characterized as a "buy-sell agreement," "sale-leaseback agreement," or otherwise, shall be deemed a Title Loan Transaction.

#### SECTION 4. MAXIMUM INTEREST RATE AND LENDER CHARGE.

a. A Secondhand Dealer who accepts a motor vehicle title in a Title Loan Transaction may not charge or receive a fee greater than  $2\frac{1}{2}$  percent per month based on a 30 day month. When the period for which the fee is computed is more or less than one month, the maximum fee for the period must be computed on a basis of 1/30 of the applicable monthly percentage, multiplied by the number of days of the actual period of the loan.

b. All Title Loan Transactions shall allow prepayment in full and in part without penalty and without additional rents, charges, fees and interest. The fee shall be based solely on the actual outstanding loan amount(s) and the actual length of the loan.

c. In determining compliance with the above described maximum fee, the computation of the fee charged must be calculated on a simple interest type basis with no compounding or add ons.

d. No charges other than the rents, charges, fees and interest that are included in calculating the amount of the per month percentage fee are allowed. Such disallowed rents, charges, fees and interest shall not be charged or received by the Secondhand Dealer, his agent or assigns, as part of or in connection with a Title Loan Transaction.

e. Notwithstanding the above, any fees or taxes paid to a state agency and directly related to an individual Title Loan Transaction may be collected from the borrower and may be in addition to the permitted fee.

#### SECTION 5. TRANSACTION SATISFACTION.

a. When the title loan has been paid in full, the Secondhand Dealer shall return to the borrower the certificate of title clear of all encumbrances placed upon the title by the

Secondhand Dealer. Such certificate of title shall be returned to the borrower as soon as possible not to exceed 30 days after such payment in full.

**SECTION 6. LICENSES.**

a. No Secondhand Dealer shall make or engage in a Title Loan Transaction or make a title loan after two months from the effective date of this ordinance unless the Secondhand Dealer has a valid Title Loan Transaction license issued by the County through its County Administrator. A separate license is required for each physical location of the Title Loan Transaction business.

b. No Title Loan Transaction license shall be issued for a period of time greater than one year.

c. An application for a Title Loan Transaction license must be submitted to the County Administrator on such form as the County Administrator may prescribe. A non-refundable application and license fee in the amount of \$ 100.00 shall accompany the initial application for each Title Loan Transaction location.

d. The County Administrator shall charge a renewal fee of \$ 75.00 for each Title Loan Transaction license renewal. A license that is not renewed at the end of the license year shall automatically become inactive. An inactive license may be reactivated within 60 days after the date it became inactive upon a submission of a completed reactivation form and payment of a reactivation fee in the amount of \$ 85.00. No inactive license may be reactivated after 60 days.

e. Each license must specify the location for which it is issued and must be conspicuously displayed at that location. When a licensee wishes to move a Title Loan Transaction office to another location the licensee shall give 30 days prior written notice to the County Administrator and the County Administrator shall then amend the license accordingly. A license issued pursuant to this section is not otherwise transferable or assignable.

f. The fees established in this section may be modified by resolution(s) of the Board of County Commissioners.

g. The County Administrator may terminate and/or refuse to issue or reissue a Title Loan Transaction license for violation of any portion of this ordinance.

**SECTION 7. PRIOR TITLE LOAN TRANSACTIONS.** This ordinance shall not be construed to impair or affect the obligation of any Title Loan Transaction which was lawfully entered into prior to two months after the effective date of this ordinance.

**SECTION 8. SIGN REQUIRED.** The Secondhand Dealer shall display, in a prominent

place, in each place of business where Title Loan Transactions are initiated and/or occur, for clear customer viewing, a sign no smaller than three feet by five feet with the following message boldly printed in letters no less than two inches high:

“IF YOU RECEIVE A TITLE LOAN, YOUR VEHICLE WILL BE PLEDGED AS SECURITY FOR THE LOAN. IF YOU DO NOT REPAY THIS LOAN IN FULL, INCLUDING ALL FINANCE CHARGES AND FEES, YOU WILL LOSE YOUR VEHICLE.

THIS LOAN HAS A VERY HIGH INTEREST RATE. DO NOT COMPLETE A TITLE LOAN TRANSACTION IF YOU HAVE THE ABILITY TO BORROW MONEY FROM ANOTHER SOURCE AT AN INTEREST RATE LOWER THAN 2 ½ % PER MONTH OR LOWER THAN AN ANNUAL PERCENTAGE RATE OF 30 %.

**SECTION 9. ADDITIONAL CIVIL REMEDY TO BORROWER, PRIVATE RIGHT OF ACTION.** Any borrower injured by a violation of this ordinance may bring an action for recovery of damages including, but not limited to, twice the interest previously paid and the forfeiture of all interest charged, or contracted to be charged or reserved. Said borrower may recover reasonable attorney’s fees and costs of such action. An award may be entered for punitive damages. The remedies provided for under this ordinance are in addition to any other procedures or remedies for any violation provided in any other law or ordinance. The provisions of this section shall be deemed a condition or part of each Title Loan Transaction.

**SECTION 10. TRANSITION PERIOD.** Each Secondhand Dealer operating as a title loan lender on the effective date of this ordinance shall have two months from the effective date of this ordinance to comply with the ordinance.

**SECTION 11. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 12. PENALTIES.** Any Person violating any of the provisions of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violation shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the County jail not to exceed 60 days or by both such fine and imprisonment. Each incident or separate occurrence that violates this ordinance shall be deemed a separate offense. Each day that an offense or violation of this ordinance continues shall be deemed a separate offense.

**SECTION 13. CODE ENFORCEMENT.** This ordinance may be enforced by any method

prescribed by law, including injunctive relief and the provisions of Chapter 162, Florida Statutes, (Code Enforcement Board and Citation) and ordinances enacted thereunder.

SECTION 14. NO REDUCTION OF STATUTORY REQUIREMENTS. Nothing in this ordinance shall be deemed to limit or reduce the requirements of Florida statutory law.

SECTION 15. EFFECTIVE DATE. This ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 23rd day of March, 1999.



BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Marc A. Jacalone  
Marc A. Jacalone, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland  
Clerk

Effective Date: March 29, 1999

# The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_

LINDA Y MURRAY who on oath says that she is  
ACCOUNTING CLERK

of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement, being a \_\_\_\_\_

NOTICE OF PUBLIC HEARING

in the matter of REGULATION OF THE  
MOTOR VEHICLE TITLE LOAN INDUSTRY

in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of MARCH 5, 1999

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 5th day of MARCH, 1999,

by Zoe Ann Moss who is personally  
known to me or who has produced PERSONALLY KNOWN as  
identification. (Type of Identification)

Zoe Ann Moss  
(Signature of Notary Public)



Zoe Ann Moss  
MY COMMISSION # CC641814 EXPIRES  
August 22, 2001  
BONDED THRU TROY FAIN INSURANCE, INC.

(Seal)

ZOE ANN MOSS  
(Print, Type or Stamp Commissioned Name of Notary Public)

Ordinance Book 22 Page 287

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, March 23, 1999 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway, (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, will hold a public hearing to consider adoption of the following ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA REGULATING THE MOTOR VEHICLE TITLE LOAN INDUSTRY WITHIN ST. JOHNS COUNTY, SETTING THE MAXIMUM FEE AND INTEREST RATE THAT THE LENDER MAY CHARGE; MAKING FINDINGS; PROVIDING DEFINITIONS; REQUIRING LICENSES; REQUIRING THE POSTING OF SIGNS; PROVIDING FOR ENFORCEMENT; PROVIDING PENALTIES; PROVIDING FOR PRIVATE RIGHTS OF ACTION; PROVIDING A TRANSITION PERIOD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. 1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD), 823-2501 or Florida Relay Service, 1-800-955-8770, no later than 5 days prior to the date of the hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA. CHERYL STRICKLAND, ITS CLERK. By: Patricia DeGrande, Deputy Clerk. L284A March 5, 1999.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing  
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS  
Historic Florida Keys Preservation Board  
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Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State  
DIVISION OF ELECTIONS

FILED

'99 MAR 31 P3:45

March 29, 1999  
CHERYL STRICKLAND  
CLERK COUNTY COMMISSION  
ST. JOHNS COUNTY FL

Honorable Cheryl Strickland  
Clerk  
St. Johns County Board of  
County Commissioners  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk  
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of March 25, 1999 and certified copy each of St. Johns County Ordinance Nos. 99-24, 99-25 and 99-26, which were filed in this office on March 29, 1999.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief  
Bureau of Administrative Code

LC/vm

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BUREAU OF ADMINISTRATIVE CODE  
The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427  
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