

By Senator Campbell

33-93-00

1 A bill to be entitled
2 An act establishing a statewide database for
3 accessing records from pawnshop transaction
4 forms and secondhand-goods acquisition records;
5 designating the Department of Law Enforcement
6 as administrator of the system; providing
7 authorized access to the database; designating
8 agencies responsible for the transfer of
9 information to the database in a manner
10 approved by the Department of Law Enforcement;
11 providing that the Department of Law
12 Enforcement must establish standards for
13 transmitting information into the statewide
14 system in consultation with the Florida
15 Sheriffs' Association and the Florida Police
16 Chiefs' Association; limiting the scope of
17 certain database searches; providing rulemaking
18 authority; providing for confidentiality for
19 records submitted; providing for future review
20 and repeal; providing a finding of public
21 necessity; establishing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. (1) The Department of Law Enforcement
26 shall establish and maintain a database of pawnshop and
27 secondhand-goods transactions submitted to it from local law
28 enforcement agencies.

29 (2) Local law enforcement agencies that have collected
30 records of pawnshop transactions or secondhand-goods
31 acquisitions under chapter 538, Florida Statutes, or chapter

1 539, Florida Statutes, shall transfer the information
2 contained in the records to the department in a format and
3 manner that are established by the department after
4 consultation with the Florida Sheriffs' Association and the
5 Florida Police Chiefs' Association.

6 (3) The database established by the department may be
7 accessed by a law enforcement agency for official
8 investigative purposes only. The department may not without
9 legislative authority, sell or otherwise provide to private
10 entities the information supplied to it.

11 (4) The department shall adopt rules pursuant to
12 chapter 120, Florida Statutes, to administer the provisions of
13 this act.

14 Section 2. All records relating to secondhand goods
15 acquisitions delivered to a police department or sheriff's
16 department pursuant to section 538.04, Florida Statutes, are
17 exempt from the provisions of section 119.07(1) and section
18 24(a), Article I of the State Constitution and may be used
19 only for official law enforcement purposes. This section does
20 not prohibit the disclosure by the police department or
21 sheriff's department receiving the records, or by the Florida
22 Department of Law Enforcement, of the name and address of the
23 secondhand dealer, the name and address of the conveying
24 customer, or a description of the property acquired by the
25 secondhand dealer to the alleged owner of the acquired
26 property. This section is subject to the Open Government
27 Sunset Review Act of 1995 in accordance with section 119.15,
28 Florida Statutes, and shall stand repealed on October 2, 2005,
29 unless reviewed and saved from repeal through reenactment by
30 the Legislature.

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1 Section 3. The Legislature finds that the exemption
2 from the public records law of records relating to
3 secondhand-goods acquisitions delivered to a police department
4 or to a sheriff's department serves a legitimate public
5 purpose. The Legislature further finds that the release of
6 such information would cause an unwarranted invasion into the
7 life of the previous owner of the secondhand goods and that
8 there is no overriding public interest to be served in
9 allowing such information to be made public. The Legislature
10 further finds that such exemption is necessary in order for
11 law enforcement agencies and the Department of Law Enforcement
12 to carry out their duties.

13 Section 4. This act shall take effect July 1, 2000.

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SENATE SUMMARY

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Requires the Department of Law Enforcement to establish and maintain a database of pawnshop and secondhand goods transaction information received from local law enforcement agencies. Requires agencies that have collected such information to transfer the information to the department in a format established by the department in consultation with the Florida Sheriffs' Association and the Florida Police Chiefs Association. Provides for access to such information by a law enforcement officer for official investigative purposes only. Prohibits the department from selling or providing the information to private entities without legislative authority. Provides rulemaking authority to the department. Exempts such information from the public records. Provides an exception. Provides for future review and repeal. Provides a statement of public necessity.