

By the Committee on Banking and Insurance; and Senator Campbell

311-2049A-00

1                                   A bill to be entitled  
 2           An act relating to public records; exempting  
 3           certain records relating to pawnbroker  
 4           transactions which are submitted to the  
 5           Department of Law Enforcement from the  
 6           requirements of the public records law;  
 7           providing certain exceptions; providing for  
 8           future review and repeal; providing a finding  
 9           of public necessity; providing a contingent  
 10          effective date.

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

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 14           Section 1. (1) All records relating to pawnbroker  
 15 transactions delivered to the Department of Law Enforcement  
 16 pursuant to Section 1 of Committee Substitute for Senate Bill  
 17 1598 are confidential and exempt from section 119.07(1),  
 18 Florida Statutes, and Section 24(a), Article I of the State  
 19 Constitution and may be used only for official law enforcement  
 20 purposes. This section does not prohibit the disclosure by the  
 21 Department of Law Enforcement of the name and address of the  
 22 pawnbroker, the name and address of the conveying customer, or  
 23 a description of pawned property to the alleged owner of  
 24 pawned property.

25           (2) This section is subject to the Open Government  
 26 Sunset Review Act of 1995 in accordance with section 119.15,  
 27 Florida Statutes, and shall stand repealed on October 2, 2005,  
 28 unless reviewed and saved from repeal through reenactment by  
 29 the Legislature.

30           Section 2. The Legislature provided a comprehensive  
 31 revision of the laws licensing and regulating pawnbrokers when

1 it enacted the Florida Pawnbroking Act in chapter 96-242, Laws  
2 of Florida. When it created that act, the Legislature also  
3 made information relating to pawnbroker transactions  
4 confidential and exempt from section 119.07(1), Florida  
5 Statutes, and Section 24(a), Article I of the State  
6 Constitution, in chapter 96-241, Laws of Florida. In creating  
7 this exemption, the Legislature determined that information  
8 relating to pawnbroker transactions is of a sensitive and  
9 personal nature to the pledgor or seller of pledged goods and  
10 thus found that it is a public necessity that such information  
11 be held confidential and exempt from the public records law.  
12 The Legislature now determines that this information should  
13 remain confidential and exempt when it is delivered or  
14 electronically transferred directly to the Department of Law  
15 Enforcement pursuant to Section 1 of Committee Substitute for  
16 Senate Bill 1598. The Legislature finds that it is a public  
17 necessity that such information be held confidential and  
18 exempt from the public records law.

19           Section 3. This act shall take effect on the effective  
20 date of Committee Substitute for Committee Substitute for  
21 Senate Bill 1598, relating to pawnbrokers and secondhand  
22 dealers, enacted during the 2000 Regular Session of the  
23 Legislature or an extension thereof.

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25                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
26                   COMMITTEE SUBSTITUTE FOR  
27                   Senate Bill 1732

28 Provides that the records relating to pawnbroker transactions  
29 which are delivered to the Florida Department of Law  
30 Enforcement (FDLE) are confidential and exempt from the public  
31 records law. Such records may be used only for official law  
enforcement purposes, however, FDLE may disclose specified  
information to the alleged owner of pawned property. The bill  
provides for future review and contains a statement of public  
necessity.