

By Representative Bense

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 House Bill 1937 are confidential and  
17 exempt from section 119.07(1), Florida Statutes, 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 Department of Law  
21 Enforcement of the name and address of the pawnbroker, the  
22 name and address of the conveying customer, or a description  
23 of pawned property to the alleged owner of pawned property.

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26 Florida Statutes, and shall stand repealed on October 2, 2005,  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

29           Section 2. The Legislature provided a comprehensive  
30 revision of the laws licensing and regulating pawnbrokers when  
31 it enacted the Florida Pawnbroking Act in chapter 96-242, Laws

1 of Florida. When it created that act, the Legislature also  
2 made information relating to pawnbroker transactions  
3 confidential and exempt from section 119.07(1), Florida  
4 Statutes, and Section 24(a), Article I of the State  
5 Constitution, in chapter 96-241, Laws of Florida. In creating  
6 this exemption, the Legislature determined that information  
7 relating to pawnbroker transactions is of a sensitive and  
8 personal nature to the pledgor or seller of pledged goods and  
9 thus found that it is a public necessity that such information  
10 be held confidential and exempt from the public records law.  
11 The Legislature now determines that this information should  
12 remain confidential and exempt when it is delivered or  
13 electronically transferred directly to the Department of Law  
14 Enforcement pursuant to Section 1 of House Bill 1937. The  
15 Legislature finds that it is a public necessity that such  
16 information be held confidential and exempt from the public  
17 records law.

18           Section 3. This act shall take effect on the effective  
19 date of House Bill 1937 or similar legislation relating to  
20 misappropriated pawned and secondhand property enforcement, or  
21 if such legislation is adopted in the same legislative session  
22 or an extension thereof and becomes law.

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25           HOUSE SUMMARY

26           Exempts certain records relating to pawnbroker  
27 transactions submitted to the Department of Law  
28 Enforcement from the requirements of the public records  
29 law.