

1                                   A bill to be entitled  
 2           An act relating to public records; transferring,  
 3           renumbering, and amending s. 539.003, F.S.; providing an  
 4           exemption from public records requirements for information  
 5           contained in the statewide central database of pawnbroker  
 6           and secondhand dealer transactions administered by the  
 7           Department of Agriculture and Consumer Services; limiting  
 8           use of the information contained in the database;  
 9           authorizing certain persons to access the database under  
 10          certain circumstances; providing for future review and  
 11          repeal; authorizing the disclosure of certain information  
 12          by law enforcement officials; providing a statement of  
 13          public necessity; providing a contingent effective date.

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

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 17           Section 1. Section 539.003, Florida Statutes, is  
 18           transferred, renumbered as section 539.129, Florida Statutes,  
 19           and amended to read:

20           539.129 ~~539.003~~ Confidentiality.—

21           (1) All records relating to pawnbroker transactions  
 22           delivered to appropriate law enforcement officials pursuant to  
 23           this chapter ~~s. 539.001~~ are confidential and exempt from the  
 24           provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 25           Constitution and may be used only for official law enforcement  
 26           purposes.

27           (2) (a) All information contained in the statewide central  
 28           database of pawnbroker and secondhand dealer transactions

29 established pursuant to s. 539.109 is confidential and exempt  
 30 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
 31 and may be used only for official law enforcement purposes.

32 (b) The database may not be used for research or  
 33 statistical purposes unrelated to official law enforcement  
 34 purposes.

35 (c) The department shall authorize database access for a  
 36 law enforcement agency or any agent thereof approved by the  
 37 department. Except as otherwise authorized in part I of chapter  
 38 538 or this chapter, a law enforcement agency or any agent  
 39 thereof must maintain the confidentiality of information  
 40 obtained from the database.

41 (d) A person or entity other than a law enforcement agency  
 42 or any agent thereof may not access the database except for  
 43 maintenance purposes with prior approval of the department.

44 (3) This section is subject to the Open Government Sunset  
 45 Review Act in accordance with s. 119.15 and shall stand repealed  
 46 on October 2, 2016, unless reviewed and saved from repeal  
 47 through reenactment by the Legislature.

48 (4) This section does not prohibit the disclosure by the  
 49 appropriate law enforcement officials of the name and address of  
 50 the pawnbroker or secondhand dealer, the name and address of the  
 51 conveying customer, or a description of the conveyed ~~pawned~~  
 52 property to the alleged owner of the conveyed ~~pawned~~ property.

53 Section 2. The Legislature finds that information relative  
 54 to pawnbroker and secondhand dealer transactions is of a  
 55 sensitive and personal nature to the conveying customer of the  
 56 conveyed property. The Legislature finds that the statewide

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57 central database of pawnbroker and secondhand dealer  
58 transactions shall comprise personal identifying information  
59 contained in the pawnbroker and secondhand dealer transaction  
60 forms, and that to make such information available to the public  
61 would be an unwarranted invasion of the privacy of the conveying  
62 customers. The Legislature further finds that no public purpose  
63 is served by providing such personal information of ordinary  
64 customers to the public. Therefore, the Legislature finds that  
65 it is a public necessity that such information be held  
66 confidential and exempt from the public records requirements of  
67 s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the  
68 State Constitution.

69 Section 3. This act shall take effect on the same date  
70 that House Bill 1323 or substantially similar legislation takes  
71 effect, if such legislation is adopted in the same legislative  
72 session or an extension thereof and becomes law.