

By the Appropriations Committee on Criminal and Civil Justice;  
the Committee on Commerce and Tourism; and Senator Yarborough

604-03223-26

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1                   A bill to be entitled  
2           An act relating to statewide data sharing of  
3           secondhand dealer and pawnbroker transactions;  
4           amending s. 538.03, F.S.; defining the term "statewide  
5           data sharing system"; amending ss. 538.04, 538.19,  
6           538.32, and 539.001, F.S.; revising the recordkeeping,  
7           transaction, and reporting requirements of certain  
8           secondhand dealers and pawnbrokers regarding  
9           transaction information to be shared with law  
10          enforcement agencies for inclusion in the statewide  
11          data sharing system; providing an effective date.

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

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15           Section 1. Present paragraph (k) of subsection (1) of  
16           section 538.03, Florida Statutes, is redesignated as paragraph  
17           (1), and a new paragraph (k) is added to that subsection, to  
18           read:

19           538.03 Definitions; applicability.—

20           (1) As used in this part, the term:

21           (k) "Statewide data sharing system" means the system  
22           available to all law enforcement agencies in this state,  
23           exclusively accessible through agreements with such law  
24           enforcement agencies, for the purpose of conducting queries of  
25           shared pawn data at no cost to the user. All pawn data shared  
26           with the statewide data sharing system must comply with s.  
27           790.335.

28           Section 2. Subsection (6) of section 538.04, Florida  
29           Statutes, is amended to read:

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30 538.04 Recordkeeping requirements; penalties.—

31 (6) If the appropriate law enforcement official supplies a  
32 secondhand dealer with appropriate software and the secondhand  
33 dealer has computer capability, the secondhand dealer must  
34 electronically transmit secondhand dealer transactions required  
35 by this section to such official for inclusion in the statewide  
36 data sharing system. If a secondhand dealer does not have  
37 computer capability, the appropriate law enforcement official  
38 may provide the secondhand dealer with a computer and all  
39 equipment necessary to electronically transmit secondhand dealer  
40 transactions. The appropriate law enforcement official shall  
41 retain ownership of the computer, unless otherwise agreed upon,  
42 and the secondhand dealer shall maintain the computer in good  
43 working order, except for ordinary wear. A secondhand dealer who  
44 transmits secondhand dealer transactions electronically is not  
45 required to also deliver the original or paper copies of the  
46 secondhand transaction forms to the appropriate law enforcement  
47 official. However, such official may, for purposes of a criminal  
48 investigation, request the secondhand dealer to deliver the  
49 original transaction form that was electronically transmitted.  
50 The secondhand dealer shall deliver the form to the appropriate  
51 law enforcement official within 24 hours after receipt of the  
52 request.

53 Section 3. Subsection (1) of section 538.19, Florida  
54 Statutes, is amended to read:

55 538.19 Records required; limitation of liability.—

56 (1) A secondary metals recycler shall maintain a legible  
57 paper record of all purchase transactions to which such  
58 secondary metals recycler is a party. A secondary metals

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59 recycler shall also maintain a legible electronic record, in the  
60 English language, of all such purchase transactions. The  
61 appropriate law enforcement official may provide data  
62 specifications regarding the electronic record format, but such  
63 format must be approved by the Department of Law Enforcement. An  
64 electronic record of a purchase transaction shall be  
65 electronically transmitted to the appropriate law enforcement  
66 official for inclusion in the statewide data sharing system no  
67 later than 10 a.m. of the business day following the date of the  
68 purchase transaction. The record transmitted to the appropriate  
69 law enforcement official must not contain the price paid for the  
70 items. A secondary metals recycler who transmits such records  
71 electronically is not required to also deliver the original or  
72 paper copies of the transaction forms to the appropriate law  
73 enforcement official. However, such official may, for purposes  
74 of a criminal investigation, request the secondary metals  
75 recycler to make available the original transaction form that  
76 was electronically transmitted. This original transaction form  
77 must include the price paid for the items. The secondary metals  
78 recycler shall make the form available to the appropriate law  
79 enforcement official within 24 hours after receipt of the  
80 request.

81 Section 4. Subsections (3) and (6) of section 538.32,  
82 Florida Statutes, are amended to read:

83 538.32 Registration, transaction, and recordkeeping  
84 requirements; penalties.—

85 (3) For every transaction, the secondhand dealer shall ~~must~~  
86 keep a record of the following:

87 (a) A complete and accurate description of the seller's

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88 goods, including:

89 1. Precious metal type, or, if jewelry, the type of  
90 jewelry.

91 2. Any other unique identifying marks, numbers, or letters.  
92 The description must be in an electronic format agreed upon by  
93 the dealer and the appropriate law enforcement agency.

94 (b) The date that the seller's goods were received by the  
95 mail-in secondhand precious metals dealer.

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97 This information must be provided to the appropriate law  
98 enforcement agency for inclusion in the statewide data sharing  
99 system within 24 hours after entering into the contract unless  
100 other arrangements are made between the business and the law  
101 enforcement agency.

102 (6) The mail-in secondhand precious metals dealer shall  
103 ~~must~~ provide the appropriate law enforcement agency with an  
104 electronic copy of the name, address, phone number, driver  
105 license number, or government-issued identification number, and  
106 issuing state of the person from whom the dealer purchased or  
107 acquired the precious metals or jewelry for inclusion in the  
108 statewide data sharing system.

109 Section 5. Paragraphs (a) and (b) of subsection (9) of  
110 section 539.001, Florida Statutes, are amended to read:

111 539.001 The Florida Pawnbroking Act.—

112 (9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

113 (a) A pawnbroker shall ~~must~~ maintain a copy of each  
114 completed pawnbroker transaction form on the pawnshop premises  
115 for at least 1 year after the date of the transaction. On or  
116 before the end of each business day, the pawnbroker shall ~~must~~

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117 deliver to the appropriate law enforcement official, for  
118 inclusion in the statewide data sharing system, the original  
119 printed pawnbroker transaction forms or printed copies of the  
120 digital pawnbroker transaction forms for each of the  
121 transactions occurring during the previous business day, unless  
122 other arrangements have been agreed upon between the pawnbroker  
123 and the appropriate law enforcement official. If an original  
124 printed transaction form is lost or destroyed by the appropriate  
125 law enforcement official, a copy may be used by the pawnbroker  
126 as evidence in court. When an electronic image of a pledgor or  
127 seller identification is accepted for a transaction, the  
128 pawnbroker must maintain the electronic image in order to meet  
129 the same recordkeeping requirements as for the original printed  
130 transaction form. If a criminal investigation occurs, the  
131 pawnbroker must ~~shall~~, upon request, provide a clear and legible  
132 copy of the image to the appropriate law enforcement official.

133 (b) If the appropriate law enforcement agency supplies the  
134 appropriate software and the pawnbroker presently has the  
135 computer ability, pawn transactions must ~~shall~~ be electronically  
136 transferred to the appropriate law enforcement official for  
137 inclusion in the statewide data sharing system. If a pawnbroker  
138 does not presently have the computer ability, the appropriate  
139 law enforcement agency may provide the pawnbroker with a  
140 computer and all necessary equipment for the purpose of  
141 electronically transferring pawn transactions. The appropriate  
142 law enforcement agency retains ~~shall retain~~ ownership of the  
143 computer, unless otherwise agreed upon. The pawnbroker shall  
144 maintain the computer in good working order, ordinary wear and  
145 tear excepted. In the event the pawnbroker transfers pawn

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146 transactions electronically, the pawnbroker is not required to  
147 also deliver to the appropriate law enforcement official the  
148 original or copies of the pawnbroker transaction forms. The  
149 appropriate law enforcement official may, for the purposes of a  
150 criminal investigation, request that the pawnbroker produce an  
151 original of a printed transaction form that has been  
152 electronically transferred. The pawnbroker shall deliver this  
153 form to the appropriate law enforcement official within 24 hours  
154 of the request.

155 Section 6. This act shall take effect July 1, 2027.