

By Senator Yarborough

4-02252-26

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A bill to be entitled
An act relating to public records; amending s.
539.003, F.S.; expanding the exemption from public
records requirements for records relating to
pawnbroker transactions to include those records
delivered to the Department of Law Enforcement;
providing for future legislative review and repeal of
the exemption; providing a statement of public
necessity; providing a contingent effective date.

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

Section 1. Section 539.003, Florida Statutes, is amended to
read:

539.003 Confidentiality.—

(1) All records relating to pawnbroker transactions
delivered to appropriate law enforcement officials and the
Department of Law Enforcement pursuant to s. 539.001 are
confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
s. 24(a), Art. I of the State Constitution and may be used only
for official law enforcement purposes. This section does not
prohibit the disclosure by the appropriate law enforcement
officials or the Department of Law Enforcement of the name and
address of the pawnbroker, the name and address of the conveying
customer, or a description of pawned property to the alleged
owner of pawned property.

(2) This section is subject to the Open Government Sunset
Review Act in accordance with s. 119.15 and shall stand repealed
on October 2, 2031, unless reviewed and saved from repeal

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30 through reenactment by the Legislature.

31 Section 2. The Legislature finds that it is a public
32 necessity that the records relating to pawnbroker transactions
33 which are delivered to the Department of Law Enforcement be made
34 confidential and exempt from s. 119.07(1), Florida Statutes, and
35 s. 24(a), Article I of the State Constitution. Such records
36 contain sensitive personal identifying information from pawn
37 transactions, such as the pledgor's or seller's name, address,
38 telephone number, birth date, physical description, and right
39 thumbprint. Access to such sensitive information would expose
40 pledgors and sellers to increased risks of identity theft. The
41 Legislature finds that expanding the public records exemption to
42 include records of pawnbroker transactions delivered to the
43 Department of Law Enforcement helps ensure uniformity with the
44 current exemption when such records are delivered to other law
45 enforcement officials and protects the effective administration
46 of statewide data sharing of secondhand dealer transactions. The
47 Legislature further finds that the harm that may result from the
48 release of such personal identifying information outweighs any
49 public benefit that may be derived from the disclosure of the
50 information.

51 Section 3. This act shall take effect on the same date that
52 SB 1582 or similar legislation takes effect, if such legislation
53 is adopted in the same legislative session or an extension
54 thereof and becomes a law