

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 181](#)

TITLE: Pub. Rec./ Pawnbroker Transactions

SPONSOR(S): Partington

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

14 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

The bill expands the existing public record exemption for pawnbroker transaction records that are delivered to a local law enforcement agency to also include such records that are delivered to the Florida Department of Law Enforcement (FDLE). CS/HB 1345, to which this bill is linked, requires pawnbrokers to deliver such records to FDLE for the purpose of statewide data sharing. The bill provides for repeal of the exemption on October 2, 2031, unless reviewed and saved from repeal by the Legislature.

Fiscal or Economic Impact:

None.

Extraordinary Vote Required for Passage:

The bill requires a two-thirds vote of the members present and voting in both houses of the Legislature for final passage.

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ANALYSIS

EFFECT OF THE BILL:

The bill expands the existing [public record exemption](#) for [pawnbroker transaction records](#) that are delivered to local law enforcement officials to also exempt pawnbroker transaction records that are delivered to the Florida Department of Law Enforcement (FDLE). CS/HB 1345, to which this bill is linked, requires [pawnbrokers](#), in addition to the requirement under current law to deliver transaction records to a local law enforcement agency, to also deliver such records to FDLE for the purpose of statewide data sharing. As such, without expanding the existing public record exemption for pawnbroker transaction records to include such records that are in the possession of FDLE, such transaction records would be subject to disclosure. (Section [1](#))

Under the bill, FDLE may disclose the same specified information from a pawnbroker transaction record that local law enforcement officials are currently authorized to disclose, including the name and address of the pawnbroker, the name and address of the conveying customer, or a description of the pawned property to the alleged owner of pawned property. (Section [1](#))

The bill provides a public necessity statement, as required by the Florida Constitution, which explains that pawnbroker transaction records contain information of a sensitive and personal nature to the pledgor or seller of the pledged goods. (Section [3](#))

The bill provides for repeal of the exemption on October 2, 2031, pursuant to the [Open Government Sunset Review Act](#), unless reviewed and saved from repeal through reenactment by the Legislature. (Section [2](#))

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DATE: 2/5/2026

[Article I, s. 24\(c\)](#) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public record exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

The effective date of the bill is the same date that HB 1345, to which this bill is linked, takes effect, if such legislation is adopted in the same legislative session or an extension thereof. The effective date of HB 1345 is July 1, 2026. (Section [4](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Public Records

The Florida Constitution sets forth the state's public policy regarding access to government records, guaranteeing every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.¹ The Legislature, however, may provide by general law an exemption from public record requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.²

Current law also addresses the public policy regarding access to government records, guaranteeing every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.³ Furthermore, the [Open Government Sunset Review Act](#)⁴ (OGSR Act) provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.⁵ An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only information that would identify the individual may be exempted under this provision; or
- Protects trade or business secrets.⁶

Pursuant to the OGSR Act, a new public record exemption, or the substantial amendment of an existing public record exemption, is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.⁷

Furthermore, there is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute.⁸

¹ [Art. I, s. 24\(a\), FLA. CONST.](#)

² [Art. I, s. 24\(c\), FLA. CONST.](#)

³ [S. 119.01\(1\), F.S.](#)

⁴ [S. 119.15, F.S.](#)

⁵ [S. 119.15\(6\)\(b\), F.S.](#)

⁶ *Id.*

⁷ [S. 119.15\(3\), F.S.](#)

⁸ See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So. 2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So. 2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991); Op. Att'y Gen. Fla. 04- 09 (2004).

Pawnbrokers

A pawnbroker is any person who advances funds to a person who pledges goods as collateral for the funds. The person pledging the goods (pledgor) may reclaim the goods after repaying the funds, interest, and pawn service charge by the maturity date of the pawn, which must be 30 days after the date of the pawn. If the pledgor fails to repay the required funds, then the pledged goods are forfeited to the pawnbroker 30 days after the maturity date.⁹

Pawnbroker Transaction Records

A pawnbroker must complete a printed pawnbroker transaction form whenever they enter into a pawn or make a purchase from a seller. The Department of Agriculture and Consumer Services approves the design and format of the transaction form, which must be 8.5 inches by 11 inches, written in English, indicate whether the transaction is a pawn or sale, and include the following on the front of the form:¹⁰

- Name and address of the pawnshop.
- A complete and accurate description of the pledged goods or purchased goods, including the following information, if applicable:
 - Brand name.
 - Model number.
 - Manufacturer's serial number.
 - Size.
 - Color, as apparent to the untrained eye.
 - Precious metal type, weight, and content, if known.
 - Gemstone description, including the number of stones.
 - The type of action, caliber or gauge, number of barrels, barrel length, and finish if the transaction includes firearms.
 - Any other unique identifying marks, numbers, names, or letters.
- Name, address, home telephone number, place of employment, date of birth, physical description, signature, and right thumbprint of the pledgor or seller.
- Date and time of the transaction.
- Type of identification accepted from the pledgor or seller, including the issuing agency and the identification number.
- A statement that the pledgor or seller of the goods represents they are the rightful owner of the goods and they are not stolen and have no liens or encumbrances against them.

If the transaction is a pawn, the front of the pawnbroker transaction form must also include:¹¹

- The amount of money advanced, designated as the amount financed;
- The maturity date of the pawn, which must be 30 days after the date of the pawn;
- The default date of the pawn and the amount due on the default date;
- The total pawn service charge owed on the maturity date, designated as the finance charge;
- The total payment to reclaim the goods, including the amount financed and the finance charge;
- The annual percentage rate; and
- A statement on the front or back that:
 - The pawned goods will be forfeited to the pawnbroker if they are not redeemed within 30 days after the maturity date of the pawn.
 - The pledgor is not obligated to redeem the pawned goods.
 - If the pawnbroker transaction form is lost, destroyed, or stolen, the pledgor must immediately advise the issuing pawnbroker in person or in writing by certified or registered mail.
 - The pawn may be extended upon mutual agreement of the parties.

⁹ National Pawnbrokers Association, [Pawn 101: The Basics](#), (last visited Feb. 5, 2026).

¹⁰ [S. 539.001\(8\), F.S.](#)

¹¹ *Id.*

If the transaction is a purchase by the pawnbroker, the front of the pawnbroker transaction form must include the amount of money paid for the goods or the monetary value assigned to the goods.¹²

Before the end of each business day, a pawnbroker must deliver the original pawnbroker transaction forms to the appropriate official for the local law enforcement agency¹³ for all of the transactions during the previous business day unless other arrangements have been agreed upon by the pawnbroker and the appropriate local law enforcement agency.¹⁴

In lieu of physically delivering the original pawnbroker transaction forms, a local law enforcement agency may supply software to a pawnbroker so the pawnbroker may electronically transfer the transaction forms to the law enforcement agency. If a pawnbroker does not have a computer to use such software, the law enforcement agency may provide a computer to the pawnbroker. The law enforcement agency retains ownership of the computer, unless otherwise agreed upon. The pawnbroker must maintain the computer in good working order, ordinary wear and tear excepted.¹⁵

Public Record Exemption

Under [s. 539.003, F.S.](#), all records relating to pawnbroker transactions that are delivered to appropriate law enforcement officials are confidential and exempt from disclosure as a public record and information contained in such records may only be used for law enforcement purposes. However, appropriate law enforcement officials are authorized to disclose the name and address of the pawnbroker, the name and address of the conveying customer, or a description of the pawned property to the alleged owner of pawned property.¹⁶

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	14 Y, 0 N, As CS	2/5/2026	Hall	Padgett

- THE CHANGES ADOPTED BY THE COMMITTEE:
- Removed a public record exemption for certain employees of the offices of the public defender and offices of criminal conflict and civil regional counsel.
 - Expanded the public record exemption for pawnbroker transaction records to include such records that are in the possession of FDLE.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹² *Id.*
¹³ For a pawnshop, the “appropriate law enforcement official” is the sheriff of the county in which a pawnshop is located or, in case of a pawnshop located within a municipality, the police chief of the municipality in which the pawnshop is located. Any sheriff or police chief may designate any law enforcement officer working within the county or municipality as the appropriate law enforcement official. [S. 539.001\(1\)\(b\), F.S.](#)
¹⁴ [S. 539.001\(9\), F.S.](#)
¹⁵ *Id.*
¹⁶ [S. 539.003, F.S.](#)