

<b>Tab 1</b>	<b>CS/SB 760</b> by <b>CJ, McClain</b> ; Identical to CS/CS/H 00397 Violations of Pretrial Release Conditions for Violent Crimes
<b>Tab 2</b>	<b>SB 1012</b> by <b>Yarborough</b> ; Identical to CS/H 00913 Inmate Services
<b>Tab 3</b>	<b>SB 1536</b> by <b>Pizzo</b> ; Digital Voyeurism
<b>Tab 4</b>	<b>CS/SB 1582</b> by <b>CM, Yarborough</b> ; Similar to CS/H 01345 Statewide Data Sharing of Secondhand Dealer and Pawnbroker Transactions
<b>Tab 5</b>	<b>SB 1792</b> by <b>Yarborough</b> ; Similar to CS/H 00181 Public Records/Pawnbroker Transactions

The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**  
**APPROPRIATIONS COMMITTEE ON CRIMINAL AND CIVIL**  
**JUSTICE**  
**Senator Garcia, Chair**  
**Senator Martin, Vice Chair**

**MEETING DATE:** Thursday, February 12, 2026

**TIME:** 4:30—6:00 p.m.

**PLACE:** *Mallory Horne Committee Room, 37 Senate Building*

**MEMBERS:** Senator Garcia, Chair; Senator Martin, Vice Chair; Senators Osgood, Polsky, Simon, Smith, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Review and Discussion of Fiscal Year 2026-2027 Budget Issues Relating to: Department of Corrections Department of Juvenile Justice Department of Law Enforcement Department of Legal Affairs/Attorney General Florida Commission on Offender Review State Courts Public Defenders State Attorneys Regional Conflict Counsels Statewide Guardian ad Litem Capital Collateral Regional Counsels Justice Administration Commission			
1	<b>CS/SB 760</b> Criminal Justice / McClain (Identical CS/CS/H 397)	Violations of Pretrial Release Conditions for Violent Crimes; Citing this act as the "Victim Safety in Pretrial Release Act"; providing that a person who is on pretrial release for a specified violent crime commits a separate criminal offense if such person willfully violates certain conditions of pretrial release; providing criminal penalties; providing that a law enforcement officer is not liable in a civil action for an arrest of a person based on probable cause to believe that the person has violated a condition of pretrial release in specified circumstances; authorizing a law enforcement officer to arrest a person without a warrant if there is probable cause to believe that the person has willfully violated certain conditions of pretrial release, etc.  CJ      02/02/2026 Fav/CS ACJ     02/12/2026 FP	

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Committee on Criminal and Civil Justice  
Thursday, February 12, 2026, 4:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
2	<b>SB 1012</b> Yarborough (Identical CS/H 913)	Inmate Services; Requiring that funds from the Contractor-Operated Institutions Inmate Welfare Trust Fund be used exclusively for specified provisions; revising compensation for the provision of inmate medical services by certain providers; providing an exemption; requiring a Medicaid health care provider to provide inmate patients with reasonable access to adequate medical services, etc.  CJ 02/02/2026 Favorable ACJ 02/12/2026 AP	
3	<b>SB 1536</b> Pizzo	Digital Voyeurism; Revising the definition of the term "reasonable expectation of privacy" for purposes relating to the offense of digital voyeurism, etc.  CJ 02/02/2026 Favorable ACJ 02/12/2026 RC	
4	<b>CS/SB 1582</b> Commerce and Tourism / Yarborough (Similar CS/H 1345, Compare CS/H 181, Linked S 1792)	Statewide Data Sharing of Secondhand Dealer and Pawnbroker Transactions; Revising the recordkeeping, transaction, and reporting requirements of certain secondhand dealers and pawnbrokers to be shared with the Department of Law Enforcement for the purpose of statewide data sharing of such records, transactions, and reports, etc.  CM 01/28/2026 Fav/CS ACJ 02/12/2026 FP	
5	<b>SB 1792</b> Yarborough (Similar CS/H 181, Compare CS/H 1345, Linked CS/S 1582)	Public Records/Pawnbroker Transactions; 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, etc.  ACJ 02/12/2026 FP	

Other Related Meeting Documents

*Materials for  
this item to be  
presented at the  
meeting.*

By the Committee on Criminal Justice; and Senator McClain

591-02408-26

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1 A bill to be entitled  
 2 An act relating to violations of pretrial release  
 3 conditions for violent crimes; providing a short  
 4 title; creating s. 903.0472, F.S.; providing that a  
 5 person who is on pretrial release for a specified  
 6 violent crime commits a separate criminal offense if  
 7 such person willfully violates certain conditions of  
 8 pretrial release; providing criminal penalties;  
 9 providing criminal penalties for a second or  
 10 subsequent violation; requiring a person who is  
 11 arrested for committing specified violations to be  
 12 held in custody until his or her first appearance  
 13 hearing; requiring the court to consider certain  
 14 factors in determining whether to order pretrial  
 15 detention or grant pretrial release; providing that a  
 16 law enforcement officer is not liable in a civil  
 17 action for an arrest of a person based on probable  
 18 cause to believe that the person has violated a  
 19 condition of pretrial release in specified  
 20 circumstances; amending s. 901.15, F.S.; authorizing a  
 21 law enforcement officer to arrest a person without a  
 22 warrant if there is probable cause to believe that the  
 23 person has willfully violated certain conditions of  
 24 pretrial release; providing an effective date.

25  
 26 Be It Enacted by the Legislature of the State of Florida:

27  
 28 Section 1. This act may be cited as the "Victim Safety in  
 29 Pretrial Release Act."

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30 Section 2. Section 903.0472, Florida Statutes, is created  
 31 to read:  
 32 903.0472 Violations of pretrial release for specified  
 33 crimes.—  
 34 (1) A person commits a misdemeanor of the first degree,  
 35 punishable as provided in s. 775.082 or s. 775.083, if he or she  
 36 willfully violates a condition of pretrial release described in  
 37 s. 903.047(1)(b) which a court imposed after he or she was  
 38 arrested for committing any of the following offenses:  
 39 (a) Murder, as defined in s. 782.04;  
 40 (b) Manslaughter, as defined in s. 782.07;  
 41 (c) Assault, as defined in s. 784.011;  
 42 (d) Aggravated assault, as defined in s. 784.021;  
 43 (e) Battery, as defined in s. 784.03;  
 44 (f) Aggravated battery, as defined in s. 784.045;  
 45 (g) Stalking, as defined in s. 784.048(2);  
 46 (h) Aggravated stalking, as defined in s. 784.048(3), (4),  
 47 (5), or (7);  
 48 (i) Kidnapping, as defined in s. 787.01;  
 49 (j) False imprisonment, as defined in s. 787.02;  
 50 (k) Sexual battery, as defined in s. 794.011;  
 51 (l) Lewd or lascivious offenses committed upon or in the  
 52 presence of persons less than 16 years of age, as described in  
 53 s. 800.04;  
 54 (m) Robbery, as defined in s. 812.13;  
 55 (n) Written or electronic threats to kill or do bodily  
 56 injury, as described in s. 836.10; or  
 57 (o) Any other felony that involves the use or threat of  
 58 physical force or violence against any individual.

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(2) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she commits a second or subsequent violation of subsection (1).

(3) A person who is arrested for a violation of this section or who is on pretrial release for committing an offense specified in subsection (1) and who is arrested for committing a new law violation shall be held in custody until his or her first appearance hearing, at which time the court shall review the alleged violation and determine whether to order pretrial detention or to grant pretrial release with appropriate conditions. In making such determinations, the court shall prioritize the safety of the victim and the public and, in addition to the criteria in s. 903.046(2), shall also consider:

(a) The nature and severity of the underlying offense for which conditions of pretrial release were imposed.

(b) The person's history of compliance with court orders.

(c) Any evidence of the person's intent to intimidate, harass, or harm any person.

(4) A law enforcement officer may not be held liable in any civil action for an arrest of a person based on probable cause to believe that the person has violated this section.

Section 3. Subsection (17) is added to section 901.15, Florida Statutes, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(17) There is probable cause to believe that the person has committed a violation of s. 903.0472(1), for willfully violating

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a condition of pretrial release for a specified crime.

Section 4. This act shall take effect October 1, 2026.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

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BILL: CS/SB 760

INTRODUCER: Criminal Justice Committee and Senator McClain

SUBJECT: Violations of Pretrial Release Conditions for Violent Crimes

DATE: February 11, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 760 creates s. 903.0472, F.S., to create a new crime for violations of pretrial release conditions for violent crimes. Specifically, the bill provides that it is a first degree misdemeanor if a person willfully violates a no contact order imposed as a condition of pretrial release for a specified crime. A second or subsequent violation is a third degree felony.

A person who is arrested for this offense or a person who is on pretrial release for committing a specified crime and is arrested for a new violation, must be held in custody until his or her first appearance hearing, at which time the court must review the alleged violation and determine whether to order pretrial detention or to grant pretrial release with appropriate conditions. The court must prioritize the safety of the victim and the public and must consider the following factors:

- The nature and severity of the original offense.
- The person's history of compliance with court orders.
- Any evidence of intent to intimidate, harass, or harm any person.

The bill amends s. 901.15, F.S., to authorize a law enforcement officer to arrest a person without a warrant when there is probable cause to believe the person has willfully violated a no contact order imposed as a condition of pretrial release for certain crimes, the new crime created by the bill.

The bill may have a positive indeterminate jail and prison bed impact by creating a new misdemeanor and felony offense. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2026.

## **II. Present Situation:**

### **Arrest**

Generally, a law enforcement officer may only arrest a person without a warrant when the person has committed a felony, or a misdemeanor or violation of a municipal or county ordinance in the presence of the officer. An arrest for the commission of a misdemeanor or the violation of a municipal or county ordinance must be made immediately or in fresh pursuit.<sup>1</sup>

A law enforcement officer may arrest a person without a warrant when a felony has been committed, and he or she reasonably believes that the person committed such felony.<sup>2</sup>

Generally, a police officer may make a warrantless misdemeanor arrest only if it is committed in the presence of the officer. However, there are a number of statutory exceptions that permits a warrantless misdemeanor arrest when the officer has probable cause to believe that the defendant has committed specified offenses.<sup>3</sup>

The concept of probable cause is grounded upon the standard of objective reasonableness.<sup>4</sup> In *Ornelas v. United States*, 517 U.S. 690, 696-97 (1996), the Supreme Court opined that “the principal component of a determination of reasonable suspicion or probable cause will be the events which occurred leading up to the stop or search, and then the decision whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to reasonable suspicion or to probable cause.”<sup>5</sup>

### **Pretrial detention and release**

In Florida there is a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is:

- Charged with a dangerous crime; or
- Such person is an unauthorized alien charged with a forcible felony.

Section 907.041, F.S., provides that it is the policy of this state that persons charged with committing serious criminal offenses, who pose a threat to public safety or the integrity of the judicial process, fail to appear at trial, or pose a substantial flight risk due to unauthorized status should be detained upon arrest. However, persons meeting specified criteria may be released under certain conditions until proceedings are concluded and adjudication has been determined. This policy aims to protect the community by detaining dangerous individuals while

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<sup>1</sup> Section 901.15(1), F.S.

<sup>2</sup> Section 901.15(2), F.S.

<sup>3</sup> Section 901.15(7), F.S.

<sup>4</sup> *Hawxhurst v. State*, 159 S.3d 1012, 1014 (Fla. 3<sup>rd</sup> DCA 2015).

<sup>5</sup> *Ornelas v. United States*, 517 U.S. 690, 696-97, 116 S.Ct. 1657, 134 L.Ed.2d 911(1996).



reducing the cost of incarcerating those who pose no threat. The Legislatures primary intent is the protection of the community.

A person charged with a dangerous crime<sup>6</sup> must be released on monetary conditions if it is determined that such monetary conditions are necessary to assure the presence of the person at trial or at other proceedings, to protect the community from risk of physical harm to person, to assure the presence of the accused a trial, or to assure the integrity of the judicial process.<sup>7</sup>

No person shall be released on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies to the court that it has investigated or otherwise verified:

- The circumstances of the accused's family, employment, financial resources, character, mental condition, immigration status, and length of residence in the community;
- The accused's record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings; and
- Other facts necessary to assist the court in its determination of the indigency of the accused and whether she or he should be released under the supervision of the service.<sup>8</sup>

### ***Conditions of Pretrial Release***

Section 903.047, F.S., requires a defendant, as a condition of pretrial release on a surety bond, recognized bond, or other form of bond, to refrain from criminal activity of any kind and to comply with all other conditions of pretrial release imposed by the court.

If the court issues an order of no contact, the defendant must refrain from any contact of any type with the victim, except through pretrial discovery pursuant to the Florida Rules of Criminal Procedure. An order of no contact is effective immediately and enforceable for the duration of the pretrial release or until it is modified by the court. The defendant shall be informed in writing of the order of no contact, specifying the applicable prohibited acts, before the defendant is released from custody on pretrial release.

Unless otherwise specified by the court, the term “no contact” includes the following prohibited acts:

- Communicating orally or in any written form, either in person, telephonically, electronically, or in any other manner, either directly or indirectly through a third person, with the victim or any other person named in the order. If the victim and the defendant have children in common, at the request of the defendant, the court may designate an appropriate third person to contact the victim for the sole purpose of facilitating the defendant's contact with the

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<sup>6</sup> A “dangerous crime” means any of the following: Arson; Aggravated assault; Aggravated battery; Illegal use of explosives; Child abuse or aggravated child abuse; Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult; Aircraft piracy; Kidnapping; Homicide; Manslaughter, including DUI manslaughter and BUI manslaughter; Sexual battery; Robbery; Carjacking; Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years; Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; Burglary of a dwelling; Stalking and aggravated stalking; Act of domestic violence; Home invasion robbery; Act of terrorism; Manufacturing any substances in violation of ch. 893, F.S.; Attempting or conspiring to commit any such crime; Human trafficking; Trafficking; Extortion; Written threats to kill.

<sup>7</sup> Section 907.041(3)(a), F.S.

<sup>8</sup> Section 907.041(3)(b)1.-3., F.S.

children. However, an attorney for the defendant is not prohibited, from communicating with any person protected by the no contact order for lawful purposes.

- Having physical or violent contact with the victim or other named person or his or her property.
- Being within 500 feet of the victim's or other named person's residence, even if the defendant and the victim or other named person share the residence.
- Being within 500 feet of the victim's or other named person's vehicle, place of employment, or a specified place frequented regularly by such person.

Other conditions that the court may impose as a condition of pretrial release include, but are not limited to:

- Maintaining employment, or seek employment.
- Maintain or commence an educational program.
- Report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency.
- Comply with a specified curfew.
- Refrain from drug or alcohol use.
- Refrain from possessing a firearm, destructive device, or other dangerous weapon.<sup>9</sup>

### ***Violation of Pretrial Release***

A court may, on its own motion, revoke a defendant's pretrial release and order pretrial detention if the court finds probable cause to believe that a defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect.<sup>10</sup>

A violation of pretrial release is generally not a separate criminal offense, however a person who violates a condition of pretrial release when his or her original arrest was for committing domestic violence or dating violence, commits a first degree misdemeanor and he or she is required to be held in custody until first appearance.<sup>11</sup>

## **III. Effect of Proposed Changes:**

**Section 1** provides that this act may be cited as the "Victim Safety in Pretrial Release Act."

**Section 2** creates s. 903.0472, F.S., relating to violations of pretrial release conditions for violent crimes. The bill provides that it is a first degree misdemeanor when a person willfully violates a no contact order issued as a condition of pretrial release, if the original arrest was for one of the following offenses:

- Murder.
- Manslaughter.
- Assault.
- Aggravated assault.
- Battery.

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<sup>9</sup> Section 903.047(1)(c), F.S.

<sup>10</sup> Section 903.0471, F.S.

<sup>11</sup> Sections 741.29(7) and 784.046(15), F.S.

- Aggravated battery.
- Stalking.
- Aggravated stalking.
- Kidnapping.
- False imprisonment.
- Sexual battery.
- Lewd or lascivious offenses committed upon or in the presence of persons less than 16.
- Robbery.
- Written or electronic threats to kill or do bodily injury.
- Any other felony that involves the use or threat of physical force or violence against any individual.

A second or subsequent violation is a third degree felony.

The bill also provides that a person who is arrested for this offense or a person who is on pretrial release for committing one of the above listed offenses and is arrested for a new violation must be held in custody until his or her first appearance hearing, at which time the court shall review the alleged violation and determine whether to order pretrial detention or to grant pretrial release with appropriate conditions. The court must prioritize the safety of the victim and the public and must consider the following factors:

- The nature and severity of the original offense.
- The person's history of compliance with court orders.
- Any evidence of intent to intimidate, harass, or harm any person.

**Section 3** amends s. 901.15, F.S., to authorize a law enforcement officer to arrest a person without a warrant when there is probable cause to believe the person has willfully violated a condition of pretrial release for a specified crime in s. 903.0472(1), F.S.

The bill takes effect on October 1, 2026.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

State Government:

The bill may have a positive indeterminate prison bed impact by creating a new third degree felony offense for a second or subsequent violation relating to pretrial release conditions for violent crimes.

Local Government:

The bill may have a positive indeterminate county jail bed impact by creating a new first degree misdemeanor offense and requiring a person who is arrested for committing such offense to be held in custody until first appearance. However, the impact to county jail beds may be insignificant because currently a person who violates a condition of pretrial release can have his or her release revoked and be recommitted to county jail.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 901.15 and 903.0472.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on February 2, 2026**

The committee substitute:

- Provides that the crime of violating pretrial release is only applicable to violating a no contact order that was ordered as a condition of pretrial release.
- Removes a forcible felony, as defined in s. 776.08, F.S., from the list of enumerated criminal offenses that constitute a separate criminal offense when committed while on pretrial release.
- Expands the list of enumerated criminal offenses to include any other felony involving the use or threat of physical force or violence against any individual. Requires that a person who commits a new law violation while on pretrial release remain in custody until his or her first appearance, at which time the court shall prioritize the safety of the victim and the public, in addition to other specified criteria.

- B. **Amendments:**

None.

By Senator Yarborough

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1 A bill to be entitled  
 2 An act relating to inmate services; amending s.  
 3 945.215, F.S.; requiring that funds from the  
 4 Contractor-Operated Institutions Inmate Welfare Trust  
 5 Fund be used exclusively for specified provisions;  
 6 amending s. 945.6041, F.S.; providing legislative  
 7 intent; revising the term "health care provider" to  
 8 "community health care provider" and revising its  
 9 definition; providing definitions; revising  
 10 compensation for the provision of inmate medical  
 11 services by certain providers; providing an exemption;  
 12 requiring a Medicaid health care provider to provide  
 13 inmate patients with reasonable access to adequate  
 14 medical services; revising compensation for the  
 15 provision of inmate emergency medical transportation  
 16 services; reenacting s. 944.72(1), F.S., relating to  
 17 the Contractor-Operated Institutions Inmate Welfare  
 18 Trust Fund, to incorporate the amendment made to s.  
 19 945.215, F.S., in a reference thereto; providing  
 20 effective dates.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24 Section 1. Paragraph (b) of subsection (3) of section  
 25 945.215, Florida Statutes, is amended to read:  
 26 945.215 Inmate welfare and employee benefit trust funds.—  
 27 (3) CONTRACTOR-OPERATED INSTITUTIONS INMATE WELFARE TRUST  
 28 FUND; CONTRACTOR-OPERATED CORRECTIONAL FACILITIES.—  
 29 (b)1. The net proceeds derived from inmate canteens,

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30 vending machines used primarily by inmates, telephone  
 31 commissions, and similar sources at contractor-operated  
 32 correctional facilities shall be deposited in the Contractor-  
 33 Operated Institutions Inmate Welfare Trust Fund.  
 34 2. Funds in the Contractor-Operated Institutions Inmate  
 35 Welfare Trust Fund must be used exclusively to provide for or  
 36 operate any of the following at contractor-operated correctional  
 37 facilities:  
 38 a. Programs to aid inmates' reintegration into society.  
 39 b. Environmental health upgrades to facilities, including  
 40 fixed capital outlay for repairs and maintenance that would  
 41 improve environmental conditions of the correctional facilities.  
 42 3.2- Funds in the Contractor-Operated Institutions Inmate  
 43 Welfare Trust Fund shall be expended only pursuant to  
 44 legislative appropriation.  
 45 Section 2. Effective October 1, 2026, section 945.6041,  
 46 Florida Statutes, is amended to read:  
 47 945.6041 Compensation for inmate emergency and specialty  
 48 medical services.—  
 49 (1) The department relies on community health care  
 50 providers to provide emergency and specialty medical services to  
 51 incarcerated inmates which cannot be provided by health care  
 52 staff inside a state correctional institution. The department  
 53 has experienced a substantial increase in inmate health care  
 54 costs. Accordingly, it is the intent of the Legislature that  
 55 inmates committed to the custody of the department have adequate  
 56 access to emergency or other necessary specialty medical  
 57 services at rates that are cost-effective for the state.  
 58 (2)(1)- As used in this section, the term:

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~~(b)(a)~~ "Emergency medical transportation services" includes, but is not limited to, services rendered by ambulances, emergency medical services vehicles, and air ambulances as those terms are defined in s. 401.23.

~~(a)(b)~~ "Community health care provider" means:

1. A hospital licensed under chapter 395.

2. A physician or physician assistant licensed under chapter 458.

3. An osteopathic physician or physician assistant licensed under chapter 459.

4. A podiatric physician licensed under chapter 461.

5. An autonomous advanced practice registered nurse licensed under chapter 464.

~~6.5-~~ A health maintenance organization certificated under part I of chapter 641.

~~7.6-~~ An ambulatory surgical center licensed under chapter 395.

~~8.7-~~ A professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., and 4. for professional activity.

~~9.8-~~ An other medical facility.

a. As used in this subparagraph, the term "other medical facility" means:

(I) A facility the primary purpose of which is to provide human medical diagnostic services, or a facility providing nonsurgical human medical treatment which discharges patients on the same working day that the patients are admitted; and

(II) A facility that is not part of a hospital.

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b. The term does not include a facility existing for the primary purpose of performing terminations of pregnancy, or an office maintained by a physician or dentist for the practice of medicine.

(c) "Inmate medical services" includes, but is not limited to, services rendered by a community health care provider to an inmate.

(d) "Medicaid allowable rate" means the amount that the Agency for Health Care Administration would reimburse a Medicaid provider, as defined by s. 409.901, for Medicaid-covered services delivered through the fee-for-service program.

(e) "Secure unit" means a designated space, approved by the department, where the department can safely and efficiently manage and secure inmates who are receiving medical services from a community health care provider.

(3)(2) Compensation to a community health care provider for the provision of to provide inmate medical services may not exceed 110 percent of the Medicaid Medicare allowable rate if the health care provider does not have a contract to provide services with the department or the contractor-operated correctional facility, as defined in s. 944.710, which houses the inmate. However, a community health care provider is exempt from this section and may negotiate compensation above the Medicaid allowable rate if the community health care provider enters into an agreement with the department, a comprehensive health care services vendor, or a contractor-operated correctional facility, as defined in s. 944.710, to provide medical services to inmates in a secure unit within the community health care provider's medical facility, within a

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correctional institution or facility, or by telehealth in accordance with s. 456.47 if such inmates are within the correctional institution or facility when they receive such medical services.

(4) In addition to the Medicaid provider agreement requirements established in s. 409.907 to participate in a Medicaid supplemental funding program and to remain in good standing with the Medicaid program, a Medicaid community health care provider shall provide inmate patients with reasonable access to adequate medical services, including emergency and specialty care services. ~~compensation to a health care provider may not exceed 125 percent of the Medicare allowable rate if:~~

~~(a) The health care provider does not have a contract to provide services with the department or the contractor-operated correctional facility, as defined in s. 944.710, which houses the inmate; and~~

~~(b) The health care provider reported a negative operating margin for the previous year to the Agency for Health Care Administration through hospital-audited financial data.~~

(5)(3) Compensation to an entity to provide emergency medical transportation services for inmates may not exceed ~~110~~ percent of the ~~Medicaid Medicare~~ allowable rate ~~if the entity does not have a contract with the department or a contractor-operated correctional facility, as defined in s. 944.710, to provide the services.~~

(6)(4) This section does not apply to charges for medical services provided at a hospital operated by the department.

Section 3. For the purpose of incorporating the amendment made by this act to section 945.215, Florida Statutes, in a

4-00769A-26 20261012\_\_

reference thereto, subsection (1) of section 944.72, Florida Statutes, is reenacted to read:

944.72 Contractor-Operated Institutions Inmate Welfare Trust Fund.—

(1) There is hereby created in the Department of Corrections the Contractor-Operated Institutions Inmate Welfare Trust Fund. The purpose of the trust fund shall be the benefit and welfare of inmates incarcerated in contractor-operated correctional facilities under contract with the department pursuant to this chapter or chapter 957. Moneys shall be deposited in the trust fund and expenditures made from the trust fund as provided in s. 945.215.

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2026.



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

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BILL: SB 1012

INTRODUCER: Senator Yarborough

SUBJECT: Inmate Services

DATE: February 11, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	<b>Favorable</b>
2.	Atchley	Harkness	ACJ	<b>Pre-meeting</b>
3.			AP	

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**I. Summary:**

SB 1012 revises provisions relating to the Contractor-Operated Institution Inmate Welfare Trust Fund and compensation rates for emergency and specialty medical services for inmates within the Department of Corrections (DOC).

The bill amends s. 945.215, F.S., to provide that funds in the Contractor-Operated Institution Inmate Welfare Trust Fund must be used exclusively to provide for, or operate the following at Contractor-Operated facilities:

- Programs to aid inmates' reintegration into society.
- Environmental health upgrades to facilities, including fixed capital outlay for repairs and maintenance that would improve environmental conditions of the correctional facilities.

The bill amends s. 945.6041, F.S., to reduce the compensation rate that the DOC must pay community health care providers. Current law provides that inmate medical services may not exceed 110 percent of the Medicare allowable rate, however the bill reduces that payment to providers to the Medicaid rate.

Community health care providers must provide inmate patients with reasonable access to adequate medical services, including emergency and specialty care services. If such providers do not provide inmate patients with reasonable access to adequate medical services, they will no longer remain in good standing with the Medicaid program or be able to participate in a Medicaid supplemental funding program.

A community health care provider may only negotiate above the Medicaid allowable rate if such provider enters into a contract with the DOC, a comprehensive health care services vendor, or a contractor-operated correctional facility, to provide medical services to inmates:

- In a secure unit within the community health care provider's medical facility;
- Within a correctional institution or facility; or

- By telehealth, if inmates are within the correctional institution or facility when they receive medical services.

The bill will have an indeterminate fiscal impact on the DOC. See Section V., Fiscal Impact Statement.

Provisions relating to compensation for inmate emergency and specialty services are effective October 1, 2026. The remaining provisions take effect on July 1, 2026.

## **II. Present Situation:**

### **Inmate Healthcare**

The State of Florida is responsible for providing inmates with a constitutional standard of care when they are admitted into an institution. The DOC contracts with Centurion of Florida, LLC, to provide comprehensive medical, mental health and dental services statewide. Inmates are screened at a reception center to determine their current medical, dental, and mental health needs. Within each major correctional institution, the contractor provides primary care using a core staff of clinicians, nurses, mental health and dental professionals and administrators.<sup>1</sup>

Health services are typically provided on site in the healthcare clinic areas of the correctional institutions, and such services include primary care clinics, chronic care clinics, dental services, urgent care services, psychiatry, psychology, physical and other rehabilitative therapies, patient education, and more. Some of the biggest challenges in correctional health care include managing the complex healthcare needs of a large inmate population, ensuring safety and security, and addressing mental health issues. Patients requiring highly specialized services or hospitalization are transported to hospitals and specialists in the community.<sup>2</sup>

The DOC is authorized to enter into continuing contracts with licensed health care providers, including hospitals and health maintenance organizations, for the provision of inmate health care services which the DOC is unable to provide in its facilities.<sup>3</sup>

For each nonemergency visit initiated by an inmate, the inmate must make a copayment of five dollars. The proceeds of each copayment is deposited into the State-Operated Institutions Welfare Trust Fund or into the General Revenue Fund.<sup>4</sup> The DOC is authorized to collect a supplemental copayment for a medical consultation relating to an inmate's health care occurring outside the prison or for a prosthetic device for an inmate and such copayment must be used to defray all or part of the security costs associated with the surveillance and transport of the inmate.<sup>5</sup>

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<sup>1</sup> Florida Department of Corrections, *Health Services*, available at <https://www.fdc.myflorida.com/health-services> (last visited January 29, 2026).

<sup>2</sup> Centurion, *FAQs*, available at: <https://teamcenturion.com/correctional-care-solutions/correctional-healthcare/> (last visited January 29, 2026).

<sup>3</sup> Section 945.6033, F.S.

<sup>4</sup> Section 945.6037(1), F.S.

<sup>5</sup> Section 945.6037(2), F.S.

For medical care that cannot be provided within the DOC, services must be obtained from outside health care providers.<sup>6</sup> Compensation to health care providers<sup>7</sup> who provide care to inmates in the community is provided in statute. Compensation to a health care provider to provide inmate medical services may not exceed 110 percent of the Medicare allowable rate if the health care provider does not have a contract to provide services with the DOC or the contractor-operated correctionally facility, which houses the inmate. However, compensation to a health care provider may not exceed 125 percent of the Medicare allowable rate if:

- The health care provider does not have a contract to provide services with the DOC or the contractor-operated facility; and
- The health care provider reported a negative operating margin for the previous year to the Agency for Health Care Administration (AHCA) through hospital-audited financial data.<sup>8</sup>

During the 2024-25 fiscal year, there were a total of 40,215 approved requests made to Centurion's Utilization Management program for specialist appointments. Such requests are made by inmates to see medical specialists who are not employed by Centurion.<sup>9</sup>

Request Type	Number of Approved Requests <sup>10</sup>
Office visit - <i>Requests for office visit specialty consultations</i>	21,106
Outpatient surgical visit	6,936
Imaging visit - <i>Includes CT, MRI, and PET scan</i>	5,521
Outpatient service - <i>Includes swallow studies, colonoscopies, EGDs, EMGs, nerve conduction studies, etc.</i>	3,921
Therapy - <i>Includes physical, occupational, or speech therapy</i>	1,909
Orthotic/prosthetics - <i>Includes evaluation, products, and fittings related to customized orthotic and prosthetic devices</i>	267
Sleep study	198
Radiation	174
Durable medical equipment	138
Pain management - <i>Includes pain management injections</i>	22
Obstetrics ultrasound - <i>Ultrasounds related to pregnancy</i>	20
Transplant - <i>Includes both the work-up and transplant if transplant is approved</i>	3

<sup>6</sup> Department of Correction, *2026 Agency Legislative Bill Analysis SB 1012*, January 8, 2026 (on file with the Senate Committee on Criminal Justice).

<sup>7</sup> Section 945.6041(1)(b), F.S., provides that "health care provider means: a hospital licensed under ch. 395, F.S.; a physician or physician assistant licensed under ch. 458, F.S.; an osteopathic physician or physician assistant licensed under ch. 459, F.S.; a podiatric physician licensed under ch. 461, F.S.; a health maintenance organization certificated under part I of ch. 641, F.S.; an ambulatory surgical center licensed under ch. 395, F.S.; a professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., and 4. For professional activity; an other medical facility.

<sup>8</sup> Section 945.6041(2), F.S.

<sup>9</sup> Florida Department of Corrections, *Office of Health Services: Summary of Approved Specialty Medical Appointments, State Fiscal Year 2024-25*, January 26, 2026 (on file with Senate Committee on Criminal Justice).

<sup>10</sup> Id.

## Agency for Health Care Administration

The Agency for Healthcare Administration (AHCA) is created under s. 20.42, F.S., to be the chief health policy and planning entity for the state, responsible for health facility licensure, inspection, and regulatory enforcement,<sup>11</sup> as well as the administration of Florida's Medicaid program.<sup>12</sup>

### *The Florida Medicaid Program and Medicare*

The Medicaid program is a voluntary, federal-state program that finances health coverage for individuals, including eligible low-income adults, children, pregnant women, elderly adults, and persons with disabilities.<sup>13</sup> The federal Center for Medicare and Medicaid Services within the U.S. Department of Health and Human Services is responsible for administering the Medicaid program at the federal level. Florida Medicaid is the health care safety net for low-income Floridians and is financed through state and federal funds.<sup>14</sup> Approximately 72.7 percent of Florida Medicaid recipients<sup>15</sup> receive services through a managed care plan contracted with the AHCA, and as of November 2025, current enrollment reports the Florida Medicaid enrollment total is 3,997,975 people.<sup>16</sup>

The structure of each state's Medicaid program varies, but what states must pay for is largely determined by the federal government, as a condition of receiving federal funds.<sup>17</sup> The federal government also sets the minimum mandatory benefits to be covered in every state Medicaid program.<sup>18</sup>

The AHCA is required, subject to specific appropriations, to reimburse Medicaid providers for services under a fee schedule established by rule.<sup>19</sup> The AHCA is also responsible for developing Medicaid provider agreements, which must contain specified terms, including provisions related to contracts for services, payment terms and methodology, records maintenance and security, and indemnity.<sup>20</sup>

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<sup>11</sup> Agency for Health Care Administration, *Health Quality Assurance*, available at <https://ahca.myflorida.com/health-quality-assurance> (last visited January 21, 2026).

<sup>12</sup> Section 409.902, F.S.

<sup>13</sup> Medicaid.gov, *Medicaid*, available at <https://www.medicaid.gov/medicaid> (last visited January 28, 2026).

<sup>14</sup> Section 20.42, F.S.

<sup>15</sup> The other 27.3 percent of recipients receive Medicaid services through the fee-for-service (FFS) delivery model, where providers contract directly with the AHCA to render services, billing and receiving reimbursement directly from the AHCA.

<sup>16</sup> Agency for Health Care Administration, *Florida Medicaid Monthly Enrollment Report*, Nov. 2025, available at: <https://ahca.myflorida.com/medicaid-finance-and-analytics/medicaid-data-analytics/medicaid-monthly-enrollment-report> (last visited January 28, 2026).

<sup>17</sup> Title 42 U.S.C. §§ 1396-1396w -5; Title 42 C.F.R. Part 430-456 (§§ 430.0-456.725).

<sup>18</sup> Section 409.964, F.S.

<sup>19</sup> Section 409.908, F.S. Florida Agency for Health Care Administration, *Rule 59G-4.002, Provider Reimbursement Schedules and Billing Codes*, available at <https://ahca.myflorida.com/medicaid/rules/rule-59g-4.002-provider-reimbursement-schedules-and-billing-codes> (last visited January 28, 2026).

<sup>20</sup> Section 409.907(1)-(4), F.S.

## Medicare

Medicare is federal health insurance for anyone age 65 and older, and some people under 65 with certain disabilities or conditions.<sup>21</sup> More than 66 million people in the U.S. receive health care coverage from Medicare.<sup>22</sup> The U.S. Centers for Medicare and Medicaid Services (CMS) develops and uses fee schedules for Medicare reimbursement payments to health care providers made on a fee-for-service basis.<sup>23</sup>

The CMS uses a standardized Physician Fee Schedule (PFS) based on the Resource-Based Relative Value Scale (RBRVS) to reimburse health care providers for services paid for via Medicare.<sup>24</sup> The RBRVS captures the time, effort, and cost involved in providing a patient service through three types of Relative Value Units (RVUs): work, practice expense, and malpractice expenses. The RVUs are assigned to each medical billing code so that resources used to provide a service are measured on a common scale. For example, a 10-19 minute office visit for the evaluation and management of an established patient has a value of 0.70 RVUs, while a 30-39 minute office visit with the same patient would have a value of 1.92 RVUs.<sup>25</sup> RVUs become PFS payment rates through the application of a fixed-dollar conversion factor.<sup>26</sup>

The 2024 Consolidated Appropriations Act included a 2.93 percent increase to the PFS conversion factor for dates of service from March 9, 2024, through December 31, 2024, resulting in a conversion factor of \$33.29 per RVU.<sup>27</sup> In January 2025, this temporary 2.93 percent increase expired resulting in a conversion factor of \$32.35, which includes a 0.02 percent adjustment to account for changes in work RVUs for some services.<sup>28</sup>

## Contractor-Operated Institutions Inmate Welfare Trust Fund

Contractor-operated institutions or contractor-operated correctional facilities, formerly known as private prisons, are under contract with the DOC.<sup>29</sup>

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<sup>21</sup> Social Security Administration, *What is Medicare and who can get it?* available at <https://www.ssa.gov/faqs/en/questions/KA-02113.html> (last visited January 28, 2026).

<sup>22</sup> Medicare.gov, *About Us*, available at <https://www.medicare.gov/about-us> (last visited January 28, 2026).

<sup>23</sup> Centers for Medicare and Medicaid Services, *Fee Schedules-General Information* available at <https://www.cms.gov/medicare/payment/fee-schedules> (last visited January 28, 2026).

<sup>24</sup> American Academy of Professional Coders, *What are Relative Value Units?* available at <https://www.aapc.com/resources/what-are-relative-value-units-rvus> (last visited January 28, 2026).

<sup>25</sup> American Academy of Family Physicians, *Journal of Family Practice Management*, *Understanding and Improving Your Work RVUs*, <https://www.aafp.org/pubs/fpm/issues/2023/0300/understanding-rvus.html> (last visited January 28, 2026).

<sup>26</sup> Centers for Medicare and Medicaid Services, *Physician Fee Schedule*, available at <https://www.cms.gov/cms-guide-medical-technology-companies-and-other-interested-parties/payment/physician-fee-schedule> (last visited January 28, 2026).

<sup>27</sup> Centers for Medicare and Medicaid Services, *2025 Physician Fee Schedule*, available at <https://www.cms.gov/medicare/payment/fee-schedules/physician/federal-regulation-notice/cms-1807-f> (last visited January 28, 2026).

<sup>28</sup> Centers for Medicare and Medicaid Services, *2025 Medicare Physician Fee Schedule*, available at <https://www.cms.gov/newsroom/fact-sheets/calendar-year-cy-2025-medicare-physician-fee-schedule-final-rule> (last visited January 28, 2026).

<sup>29</sup> Section 945.215(3)(a), F.S.

Proceeds from inmate canteens, vending machines primarily used by inmates, telephone commissions, and similar sources are deposited into the Contractor-Operated Institutions Inmate Welfare Trust Fund<sup>30</sup> and can only be expended pursuant to legislative appropriation.<sup>31</sup>

In contrast, the State-Operated Institutions Inmate Welfare Trust Fund is held by the DOC for the benefit and welfare of inmates incarcerated in the correctional facilities operated directly by the DOC. The funds in the State-Operated Institutional Inmate Welfare Trust Fund must be used exclusively to provide for or operate any of the following at correctional facilities operated by the DOC:

- Literacy programs, vocational training programs, and educational programs, including fixed capital outlay for educational facilities.
- Inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries.
- Inmate substance abuse treatment programs and transition and life skills training programs.
- The purchase, rental, maintenance, or repair of electronic or audiovisual equipment, media, services, and programming used by inmates.
- The purchase, rental, maintenance, or repair of recreation and wellness equipment.
- The purchase, rental, maintenance, or repair of bicycles used by inmates traveling to and from employment in the work-release program.
- Environmental health upgrades to facilities, including fixed capital outlay for repairs and maintenance that would improve environmental conditions of the correctional facilities.<sup>32</sup>

### **Contractor-Operated Correctional Facilities**

A contract entered into for the operation of contractor-operated correctional facilities, formerly known as private prisons, must maximize the cost savings<sup>33</sup> of such facilities and:

- Is not exempt from ch. 287, F.S., including the competitive solicitation requirements.
- Be executed with the contractor most qualified.
- Indemnify the state and the DOC against any and all liability.
- Require that the contractor seek, obtain, and maintain accreditation by the American Correctional Association for the facility under that contract.
- Require the proposed facilities and the management plans for the inmates meet applicable American Correctional Association standards and the requirements of all applicable court orders and state law.
- Establish operations standards for correctional facilities subject to the contract.
- Require the contractor to be responsible for a range of dental, medical, and psychological services; diet; education; and work programs at least equal to those provided by the DOC in comparable facilities.
- Require the selection and appointment of a full-time contract monitor, appointed and supervised by the DOC.

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<sup>30</sup> Section 945.215(3)(b)1., F.S.

<sup>31</sup> Section 945.215(3)(b)2., F.S.

<sup>32</sup> Section 945.215(2)(c)1.-7., F.S.

<sup>33</sup> The department may not enter into a contract or series of contracts unless the DOC determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Section 957.07, F.S.

- Be contracted for a period of three years and may be renewed for successive two-year periods thereafter.<sup>34</sup>

There are currently seven contractor-operated correctional facilities in Florida, operated by Management & Training Corporation, the GEO Group, or CoreCivic. The state owns the buildings and grants the contractors exclusive rights to use them.<sup>35</sup> The following correctional facilities are contract-operated correctional facilities:

- Bay Correctional Facility.
- Blackwater River Correctional Facility.
- Gadsden Correctional Facility.
- Graceville Correctional Facility.
- Lake City Correctional Facility.
- Moore Haven Correctional Facility.
- South Bay Correctional Facility.

### III. Effect of Proposed Changes:

The bill revises provisions relating to the Contractor-Operated Institution Inmate Welfare Trust Fund and compensation rates for emergency and specialty medical services for inmates within the DOC.

**Section 1** amends s. 945.215, F.S., to require funds in the Contractor-Operated Institution Inmate Welfare Trust Fund be used to exclusively provide for or operate the following at contractor-operated facilities:

- Programs to aid inmates' reintegration into society; or
- Environmental health upgrades to facilities, including fixed capital outlay for repairs and maintenance that would improve environmental conditions of the correctional facilities.

**Section 2** amends s. 945.6041, F.S., effective October 1, 2026, to reduce the compensation rate that the DOC must pay community health care providers to that of the Medicaid rate. This section also changes the term "health care provider," to "community health care provider," and expands the definition to include an autonomous advance practice registered nurse.

Further, this section defines the following terms:

- "Inmate medical services" to include, but is not limited to, services rendered by a community health care provider.
- "Medicaid allowable rate" to mean the amount that the AHCA would reimburse a Medicaid provider, as defined by s. 409.901, F.S., for Medicaid-covered services delivered through the fee-for-service program.
- "Secure unit" to mean a designated space, approved by the DOC, where the DOC can safely and efficiently manage and secure inmates who are receiving medical services from a community health care provider.

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<sup>34</sup> Section 957.04(1)(a)-(i), F.S.

<sup>35</sup> E-mail, *Private Prison Info*, from Katherine Shea, January 28, 2026 (on file with the Senate Committee on Criminal Justice).

The bill also provides that a community health care provider may only negotiate above the Medicaid allowable rate if such provider enters into a contract with the DOC, a comprehensive health care services vender, or a contractor-operated correctional facility, to provide medical services to inmates:

- In a secure unit within the community health care provider's medical facility;
- Within a correctional institution or facility; or
- By telehealth, if inmates are within the correctional institution or facility when they receive medical services.

Finally, the bill requires community health care providers to provide inmate patients with reasonable access to adequate medical services, including emergency and specialty care services. If such providers do not provide inmate patients with reasonable access to adequate medical services, they will no longer remain in good standing with the Medicaid program or be able to participate in a Medicaid supplemental funding program.

Section 3 reenacts s. 944.72(1), F.S., relating to the Contractor-Operated Inmate Welfare Trust Fund, to incorporate the changes made to the authorized uses of the trust fund in the bill.

Section 2 relating to compensation for inmate emergency and specialty services is effective October 1, 2026. The remaining sections take effect on July 1, 2026.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.



**B. Private Sector Impact:**

The bill will have a negative fiscal impact on the private sector by reducing the rate of compensation to private physicians, hospitals, and other medical facilities who treat inmates outside of the DOC.

**C. Government Sector Impact:**

The bill will have an indeterminate fiscal impact on the DOC. The bill may reduce the amount the DOC compensates emergency and specialty medical services for inmates who receive health care services in outside hospital emergency departments by reimbursing those providers at the Medicaid allowable rate. However, the bill provides exceptions when the DOC can reimburse above the Medicaid allowable rate. Additionally, the bill may increase the number of community health care providers that may become willing to negotiate contracts to offer services behind the fence at a higher negotiated rate; thereby offsetting some of the cost savings in the bill.<sup>36</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 945.215, 945.6041, and 944.72.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>36</sup> Department of Correction, *2026 Agency Legislative Bill Analysis SB 1012*, January 8, 2026 (on file with the Senate Committee on Criminal Justice).

By Senator Pizzo

37-01560-26

20261536\_\_

A bill to be entitled

An act relating to digital voyeurism; amending s.  
810.145, F.S.; revising the definition of the term  
"reasonable expectation of privacy" for purposes  
relating to the offense of digital voyeurism;  
providing an effective date.

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

Section 1. Paragraph (f) of subsection (1) of section  
810.145, Florida Statutes, is amended to read:

810.145 Digital voyeurism.—

(1) As used in this section, the term:

(f) "Reasonable expectation of privacy" means circumstances  
under which a reasonable person would believe that he or she  
could fully disrobe in privacy, without being concerned that the  
person's undressing was being viewed, recorded, or broadcasted  
by another, including, but not limited to, the interior of a  
residential dwelling, privately fenced yard, bathroom, changing  
room, fitting room, dressing room, or tanning booth.

Section 2. This act shall take effect July 1, 2026.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

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BILL: SB 1536

INTRODUCER: Senator Pizzo

SUBJECT: Digital Voyeurism

DATE: February 11, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<b>Pre-meeting</b>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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## I. Summary:

SB 1536 amends s. 810.145, F.S., to revise the definition of the term “reasonable expectation of privacy” for purposes relating to the offense of digital voyeurism, to include a privately fenced yard.

This bill is estimated to have a positive indeterminate prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

## II. Present Situation:

Digital voyeurism is a growing issue in Florida, with cases involving the secret recording of people in private settings. On January 3, 2026, a deputy with the Palm Beach County Sheriff’s Office was called to Target in Royal Palm Beach for reports of voyeurism. A 14-year-old victim told deputies that she was in a fitting room with her shirt off when a stranger in an adjacent stall stuck his arm over into her stall and used a phone to take a photograph of her while she was changing.<sup>1</sup>

In another incident a 20-year-old Gainesville man was arrested and charged with voyeurism and burglary of an occupied dwelling after he allegedly snuck onto a lawn and peered at a teenager through her bedroom window. According to police reports, the man either scaled a 6-foot fence or entered through a closed gate to get into the backyard of the teen’s home. He allegedly

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<sup>1</sup> Bellinghausen, Grace, ABC NEWS, *Man accused of filming teen in Target dressing room arrested after weeks-long search*, published on January 26, 2026, available at <https://abc3340.com/news/nation-world/man-accused-of-filming-teen-in-target-dressing-room-arrested-after-weeks-long-search-palm-beach-county-sheriffs-office-clewiston-royal-palm-beach-florida-january-26-2026> (last visited February 5, 2026).

watched the 15-year-old through the window secretly and was spotted by the girl's mother who reported the incident to police.<sup>2</sup>

In 2024, Florida renamed and expanded the offense of “video voyeurism” to “digital voyeurism,” strengthening penalties and reclassifying the offense under state law to better address privacy violations committed through modern digital recording devices, including smartphones and hidden cameras.

### **Digital Voyeurism**

Section 810.145, F.S., provides that a person commits the offense of digital voyeurism if that person:

- For his or her own amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading, exploiting, or abusing another person, intentionally uses or installs an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;<sup>3</sup>
- For the amusement, entertainment, sexual arousal, gratification, or profit of another, or on behalf of another, intentionally permits the use or installation of an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;<sup>4</sup> or
- For the amusement, entertainment, sexual arousal, gratification, or profit of oneself or another, or on behalf of oneself or another, intentionally uses an imaging device to secretly view, broadcast, or record under or through the clothing being worn by another person, without that person's knowledge and consent, for the purpose of viewing the body of, or the undergarments worn by, that person.<sup>5</sup>

For purposes of digital voyeurism, the term “reasonable expectation of privacy” means circumstances under which a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person's undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a residential dwelling, bathroom, changing room, fitting room, dressing room, or tanning booth.<sup>6</sup>

A person who is under 19 years of age and who commits this offense commits a first degree misdemeanor.<sup>7,8</sup>

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<sup>2</sup> Whittel & Melton, *Man arrested for Voyeurism, Alleged Victim was 15*, available at <https://www.floridasexcrimeattorney.com/man-arrested-for-voyeurism-alleged-victim-was-15.html> (last visited February 5, 2026).

<sup>3</sup> Section 810.145(2)(a)1., F.S.

<sup>4</sup> Section 810.145(2)(a)2., F.S.

<sup>5</sup> Section 810.145(2)(a)3., F.S.

<sup>6</sup> Section 810.145(1)(f), F.S.

<sup>7</sup> Section 810.145(2)(b), F.S.

<sup>8</sup> A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

A person who is 19 years of age or older who commits this offense commits a third degree felony.<sup>9,10</sup>

### ***Digital Voyeurism Dissemination***

A person commits the offense of digital voyeurism dissemination if that person, knowing or having reason to believe that an image or recording was created by committing digital voyeurism and he or she intentionally disseminates, distributes, or transfers the image or recording to another person for the purpose of the amusement, entertainment, sexual arousal, or gratification of any person, or for the purpose of degrading, exploiting, or abusing another person.<sup>11</sup> A person who commits the offense of digital voyeurism dissemination commits a third degree felony.<sup>12</sup>

A person commits the offense of commercial digital voyeurism dissemination if that person:

- Knowing or having reason to believe that an image or recording was created by committing digital voyeurism and sells the image or recording for consideration to another person;<sup>13</sup> or
- Having created the image by committing digital voyeurism, and disseminates, distributes, or transfers the image or recording to another person for that person to sell the image or recording to others.<sup>14</sup>

Commercial digital voyeurism dissemination is a third degree felony.

### ***Digital voyeurism penalties***

Each instance of viewing, broadcasting, recording, disseminating, distributing, or transferring of an image or recording made in violation of this section is a separate offense for which a separate penalty is authorized.

A person who commits the offense of digital voyeurism, digital voyeurism dissemination, or commercial digital voyeurism and has previously been convicted of or adjudicated delinquent for any of those offenses commits a felony of the second degree.<sup>15</sup>

If a person who is 19 years of age or older and is convicted of committing any violation of s. 810.145, F.S., relating to digital voyeurism and is a family or household member of the victim, or holds a position of authority or trust with the victim, the court shall reclassify the felony to the next higher degree as follows:

- A felony of the third degree is reclassified as a felony of the second degree.<sup>16</sup>
- A felony of the second degree is reclassified as a felony of the first degree.<sup>17</sup>

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<sup>9</sup> Section 810.145(2)(c), F.S.

<sup>10</sup> A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a \$5,000 fine, as provided in ss. 775.082 and 775.083. A person who is designated as a violent career criminal, habitual felony offender, habitual violent felony offender, or three-time violent felony offender is subjected to enhanced penalties provided in 775.084, F.S.

<sup>11</sup> Section 810.145(3)(a), F.S.

<sup>12</sup> Section 810.145(3)(b), F.S.

<sup>13</sup> Section 810.145(4)(a), F.S.

<sup>14</sup> Section 810.145(4)(b), F.S.

<sup>15</sup> Section 810.145(7)(a), F.S.

<sup>16</sup> Section 810.145(7)(b)1., F.S.

<sup>17</sup> Section 810.145(7)(b)2., F.S.

For purposes of sentencing under ch. 921, F.S., and incentive gain-time eligibility under ch. 944, F.S., a felony that is reclassified is ranked one level above the ranking in s. 921.0022, F.S.

### **III. Effect of Proposed Changes:**

The bill amends s. 810.145, F.S., to revise the definition of the term “reasonable expectation of privacy” for purposes relating to the offense of digital voyeurism.

The bill adds *privately fenced yard* to the places in which a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned the person undressing was being viewed, recorded, or broadcasted by another,

The bill takes effect on July 1, 2026

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Legislature's Office of Economic and Demographics Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact on the Department of Corrections (DOC), meaning that the bill may increase the number of individuals admitted to prison. The EDR provides the following additional information regarding its estimate:

Per the DOC, in FY 24-25, there were 13 new commitments to prison for felonies under s. 810.145, F.S. It is not known how many additional offenders there would be with the addition of privately fenced yard to where someone would have a reasonable expectation of privacy.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 810.145 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>18</sup> Office of Economic and Demographic Research Preliminary Estimate, *SB 1536- Digital Voyeurism*, (on file with the Senate Committee on Criminal Justice).

By the Committee on Commerce and Tourism; and Senator Yarborough

577-02279-26

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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 ss. 538.04, 538.19, 538.32, and 539.001,  
 5 F.S.; revising the recordkeeping, transaction, and  
 6 reporting requirements of certain secondhand dealers  
 7 and pawnbrokers to be shared with the Department of  
 8 Law Enforcement for the purpose of statewide data  
 9 sharing of such records, transactions, and reports;  
 10 providing an effective date.  
 11  
 12 Be It Enacted by the Legislature of the State of Florida:  
 13  
 14 Section 1. Subsections (1), (6), and (8) of section 538.04,  
 15 Florida Statutes, are amended to read:  
 16 538.04 Recordkeeping requirements; penalties.—  
 17 (1) A secondhand dealer shall complete a secondhand dealers  
 18 transaction form at the time of the actual transaction. A  
 19 secondhand dealer shall maintain a copy of a completed  
 20 transaction form on the registered premises for at least 1 year  
 21 after the date of the transaction. However, the secondhand  
 22 dealer shall maintain a copy of the transaction form for not  
 23 less than 3 years. Unless other arrangements are agreed upon by  
 24 the secondhand dealer and the appropriate law enforcement  
 25 official, the secondhand dealer shall, within 24 hours after  
 26 acquiring any secondhand goods, deliver to such official and the  
 27 Department of Law Enforcement a record of the transaction on a  
 28 form approved by the Department of Law Enforcement for the  
 29 purpose of statewide data sharing. Such record must ~~shall~~

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30 contain all of the following:  
 31 (a) The time, date, and place of the transaction.  
 32 (b) A complete and accurate description of the goods  
 33 acquired, including the following information, if applicable:  
 34 1. Brand name.  
 35 2. Model number.  
 36 3. Manufacturer's serial number.  
 37 4. Size.  
 38 5. Color, as apparent to the untrained eye.  
 39 6. Precious metal type, weight, and content if known.  
 40 7. Gemstone description, including the number of stones, if  
 41 applicable.  
 42 8. In the case of firearms, the type of action, caliber or  
 43 gauge, number of barrels, barrel length, and finish.  
 44 9. Any other unique identifying marks, numbers, or letters.  
 45 (c) Digital photographs of the goods, clearly showing the  
 46 items required to be included on the record as provided in  
 47 paragraph (b).  
 48 (d) A description of the person from whom the goods were  
 49 acquired, including:  
 50 1. Full name, current residential address, workplace, and  
 51 home and work phone numbers.  
 52 2. Height, weight, date of birth, race, gender, hair color,  
 53 eye color, and any other identifying marks.  
 54 3. The right thumbprint, free of smudges and smears, of the  
 55 person from whom the goods were acquired.  
 56 (e) Any other information required by the form approved by  
 57 the Department of Law Enforcement.  
 58 (6) If the appropriate law enforcement official supplies a

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secondhand dealer with appropriate software and the secondhand dealer has computer capability, the secondhand dealer must electronically transmit secondhand dealer transactions required by this section to such official and the Department of Law Enforcement for the purpose of statewide data sharing. If a secondhand dealer does not have computer capability, the appropriate law enforcement official may provide the secondhand dealer with a computer and all equipment necessary to electronically transmit secondhand dealer transactions. The appropriate law enforcement official shall retain ownership of the computer, unless otherwise agreed upon, and the secondhand dealer shall maintain the computer in good working order, except for ordinary wear. A secondhand dealer who transmits secondhand dealer transactions electronically is not required to also deliver the original or paper copies of the secondhand transaction forms to the appropriate law enforcement official or the Department of Law Enforcement for the purpose of statewide data sharing. However, such official may, for purposes of a criminal investigation, request the secondhand dealer to deliver the original transaction form that was electronically transmitted. The secondhand dealer shall deliver the form to the appropriate law enforcement official and the Department of Law Enforcement within 24 hours after receipt of the request.

(8) When secondhand goods are purchased by means of an automated kiosk, the serial number reported pursuant to this section may be the International Mobile Station Equipment Identity (IMEI), the mobile equipment identifier (MEID), or another unique identifying number assigned to the device by the manufacturer. If the IMEI, MEID, or other unique identifying

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number is not available at the time of receipt or purchase, the report filed pursuant to this section must be updated with the IMEI, MEID, or other unique identifying number as soon as possible, but no later than 10 business days after the date of acquisition. If such identifying numbers are not available at the time of the transaction, the business ~~must~~ shall assign another unique identifier to the item which directly associates the item to the transaction that it was purchased in. Upon entering or updating any information on the transaction form, a law enforcement official, as designated by the sheriff or the chief of police of the jurisdiction in which the item was purchased, must be timely notified in writing or by electronic means, as required by the sheriff or chief of police of the jurisdiction. If, upon receiving the device and correcting the missing information, the company finds that the item was misappropriated or stolen, the appropriate law enforcement official and the Department of Law Enforcement must be notified. The holding requirements of ss. 538.06 and 538.09(3) do not begin until all required reports are complete and submitted to the appropriate law enforcement official and the Department of Law Enforcement for the purpose of statewide data sharing.

Section 2. Subsection (1) of section 538.19, Florida Statutes, is amended to read:

538.19 Records required; limitation of liability.—

(1) A secondary metals recycler shall maintain a legible paper record of all purchase transactions to which such secondary metals recycler is a party. A secondary metals recycler shall also maintain a legible electronic record, in the English language, of all such purchase transactions. The

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appropriate law enforcement official may provide data specifications regarding the electronic record format, but such format must be approved by the Department of Law Enforcement. An electronic record of a purchase transaction shall be electronically transmitted to the appropriate law enforcement official and the Department of Law Enforcement for the purpose of statewide data sharing no later than 10 a.m. of the business day following the date of the purchase transaction. The record transmitted to the appropriate law enforcement official and the Department of Law Enforcement must not contain the price paid for the items. A secondary metals recycler who transmits such records electronically is not required to also deliver the original or paper copies of the transaction forms to the appropriate law enforcement official or the Department of Law Enforcement for the purpose of statewide data sharing. However, such official may, for purposes of a criminal investigation, request the secondary metals recycler to make available the original transaction form that was electronically transmitted. This original transaction form must include the price paid for the items. The secondary metals recycler shall make the form available to the appropriate law enforcement official within 24 hours after receipt of the request.

Section 3. Subsections (3), (4), and (6) and paragraph (d) of subsection (7) of section 538.32, Florida Statutes, are amended to read:

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

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

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(a) A complete and accurate description of the seller's goods, including:

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

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

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

This information must be provided to the appropriate law enforcement agency and the Department of Law Enforcement for the purpose of statewide data sharing within 24 hours after entering into the contract unless other arrangements are made between the business and the law enforcement agency.

(4) For every transaction, pictures of the secondhand goods which are the subject of the transaction must be available online for electronic viewing, via a website accessible by username and password only, by a law enforcement agency and the Department of Law Enforcement at no charge. In addition, the electronic files must be searchable by a law enforcement agency for queries concerning property descriptions, secondhand dealer transaction information, and the seller's personal identification, including address, state of residence, and zip code.

(6) The mail-in secondhand precious metals dealer shall ~~must~~ provide the appropriate law enforcement agency and the Department of Law Enforcement for the purpose of statewide data sharing with an electronic copy of the name, address, phone

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number, driver license number, or government-issued identification number, and issuing state of the person from whom the dealer purchased or acquired the precious metals or jewelry.

(7)

(d) Within 24 hours after the expiration of the 30-day hold period for the property, the secondhand dealer shall ~~must~~ notify the appropriate law enforcement agency and the Department of Law Enforcement of the abandonment of the property by electronic transmission or by sending a copy of the completed form authorized by chapter 717 to the Department of Financial Services, Division of Unclaimed Property.

Section 4. Paragraphs (a) and (b) of subsection (9) of section 539.001, Florida Statutes, are amended to read:

539.001 The Florida Pawnbroking Act.—

(9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

(a) A pawnbroker shall ~~must~~ maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least 1 year after the date of the transaction. On or before the end of each business day, the pawnbroker shall ~~must~~ deliver to the appropriate law enforcement official and the Department of Law Enforcement for the purpose of statewide data sharing the original printed pawnbroker transaction forms or printed copies of the digital pawnbroker transaction forms for each of the transactions occurring during the previous business day, unless other arrangements have been agreed upon between the pawnbroker and the appropriate law enforcement official. If an original printed transaction form is lost or destroyed by the appropriate law enforcement official, a copy may be used by the pawnbroker as evidence in court. When an electronic image of a

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pledgor or seller identification is accepted for a transaction, the pawnbroker must maintain the electronic image in order to meet the same recordkeeping requirements as for the original printed transaction form. If a criminal investigation occurs, the pawnbroker must ~~shall~~, upon request, provide a clear and legible copy of the image to the appropriate law enforcement official.

(b) If the appropriate law enforcement agency supplies the appropriate software and the pawnbroker presently has the computer ability, pawn transactions must ~~shall~~ be electronically transferred to the appropriate law enforcement official and the Department of Law Enforcement for the purpose of statewide data sharing. If a pawnbroker does not presently have the computer ability, the appropriate law enforcement agency may provide the pawnbroker with a computer and all necessary equipment for the purpose of electronically transferring pawn transactions. The appropriate law enforcement agency retains ~~shall retain~~ ownership of the computer, unless otherwise agreed upon. The pawnbroker shall maintain the computer in good working order, ordinary wear and tear excepted. In the event the pawnbroker transfers pawn transactions electronically, the pawnbroker is not required to also deliver to the appropriate law enforcement official or the Department of Law Enforcement the original or copies of the pawnbroker transaction forms. The appropriate law enforcement official may, for the purposes of a criminal investigation, request that the pawnbroker produce an original of a printed transaction form that has been electronically transferred. The pawnbroker shall deliver this form to the appropriate law enforcement official within 24 hours of the

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233 request.

234 Section 5. This act shall take effect July 1, 2026.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

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BILL: CS/SB 1582

INTRODUCER: Commerce and Tourism Committee and Senator Yarborough

SUBJECT: Statewide Data Sharing of Secondhand Dealer and Pawnbroker Transactions

DATE: February 11, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1582 requires all secondhand dealers, secondary metals recyclers, mail-in secondhand precious metals dealers, and pawnbrokers to provide certain recordkeeping and transaction information to the Florida Department of Law Enforcement (FDLE) for the purpose of statewide data sharing.

Currently, this information is provided only to local law enforcement agencies, in part to assist them in recovering stolen property and solving other theft-related crimes.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

## II. Present Situation:

### Secondhand Dealers

Chapter 538, F.S., regulates secondhand dealers and secondary metal recyclers in the trade of secondhand goods. The purpose of such regulations is to assist law enforcement in recovering stolen property and in solving other theft-related crimes.<sup>1</sup>

A secondhand dealer is defined as any person, corporation, or other business organization or entity that is not a secondary metals recycler and is engaged in purchasing, consigning, or trading secondhand goods. The term also includes a secondhand dealer engaged in purchasing secondhand goods through an automated kiosk.<sup>2</sup>

Secondhand goods are previously owned or used personal property purchased, consigned, or traded as used property.<sup>3</sup> The term also includes gift certificates and credit memos<sup>4</sup> that are purchased, consigned, or traded by a secondhand dealer. Secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry; gold, silver, platinum, palladium, or rhodium bullion that has been assayed and is properly marked as to its weight and fineness; cardio and strength training or conditioning equipment designed primarily for indoor use, and secondhand sports equipment that is not permanently labeled with a serial number.<sup>5</sup>

A secondhand dealer must annually register their business with the Department of Revenue (DOR).<sup>6</sup>

### *Secondhand Dealer Transaction Forms and Reporting Requirements*

Upon each acquisition of secondhand goods, a secondhand dealer must complete a transaction form that details the goods purchased and the seller's identity. The secondhand dealer must retain this document for at least 3 years and forward a copy to the appropriate law enforcement agency within 24 hours of acquiring the secondhand goods.<sup>7</sup> In addition to the descriptive statements of the secondhand goods and the seller's identity, the transaction record must also include:

- A statement of the date, time, and place of the transaction;

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<sup>1</sup> See ss. 538.04, 538.06, F.S. (identifying recordkeeping requirements and holding periods in connection with secondhand goods); see also Jarret C. Oeltjen, *Florida Pawnbroking: An Industry in Transition*, 23 FLA. ST. U. L. REV. 995, 1013 (Spring 1996) (noting that “[t]he main impetus behind [ch. 538, F.S.] was to confront the problem of property theft and drug-related crimes by facilitating recovery of stolen goods and apprehending those criminals who may turn to secondhand dealers for cash”).

<sup>2</sup> Section 538.03(1)(h), F.S.

<sup>3</sup> Section 538.03(1)(i), F.S.

<sup>4</sup> Section 501.95, F.S., defines “credit memo” as a certificate, card, stored value card, or similar instrument issued in exchange for returned merchandise when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction.

<sup>5</sup> Section 538.03(1)(i), F.S.

<sup>6</sup> See generally s. 538.09, F.S. (providing for registration).

<sup>7</sup> Section 538.04(1), F.S.

- A summary of the goods acquired, including brand name, model number, serial number, and other unique identifiers;
- Digital photographs of the goods acquired in the report that is submitted to law enforcement; and
- A description of the person from whom the goods were acquired, including his or her right thumbprint, name, and address, and a physical description.<sup>8</sup>

If an appropriate law enforcement official provides a secondhand dealer with appropriate software and the secondhand dealer has the capability to use it, the secondhand dealer must electronically transmit the required transaction records.<sup>9</sup> Additionally, if a secondhand dealer lacks computer capability, the appropriate law enforcement official may provide a computer and all necessary equipment to electronically transmit transactions.<sup>10</sup>

Secondhand dealers must hold all secondhand goods for at least 15 days after acquiring the property. However, secondhand dealers are required to hold a precious metal,<sup>11</sup> gemstone, jewelry; antique furnishings, fixtures, or decorative objects; or an item of art as defined in s. 686.501, F.S.,<sup>12</sup> for 30 days after they acquire the property.<sup>13</sup> Additionally, a secondhand good must be held for 30 days if the secondhand dealer uses an automated kiosk.<sup>14</sup>

### ***Penalties***

If a law enforcement officer has probable cause to believe that the goods held by a secondhand dealer are stolen, the officer may place a 90-day written hold order on those goods.<sup>15</sup> This prevents the secondhand dealer from selling the goods and preserves them for use as evidence in a criminal trial. Additionally, it allows the goods to be returned to their rightful owner.

Law enforcement agencies with jurisdiction enforce compliance with registration, record-keeping, holding periods, and inspection requirements.<sup>16</sup> A person who knowingly violates the

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<sup>8</sup> *Id.*

<sup>9</sup> Section 538.04(6), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 538.03(1)(f), F.S., defines “precious metals” as any item containing any gold, silver, or platinum, or any combination thereof, excluding any chemical or any automotive, photographic, electrical, medical, or dental materials or electronic parts.

<sup>12</sup> Section 686.501(1), F.S., defines “art” as a painting, sculpture, drawing, work of graphic art, pottery, weaving, batik, macramé, quilt, print, photograph, or craft work executed in materials including, but not limited to, clay, textile, paper, fiber, wood, tile, metal, plastic, or glass. The term includes a rare map which is offered as a limited edition or a map 80 years old or older; or a rare document or rare print which includes, a print, engraving, etching, woodcut, lithograph, or serigraph which is offered as a limited edition, or one 80 years old or older.

<sup>13</sup> Section 538.06(1), F.S.

<sup>14</sup> *Id.* An “automated kiosk” is an interactive device that is permanently installed within a secure retail space and that has the following technological functions: remotely monitored by a live representative during all business hours; verification of a seller’s identity by government-issued photographic identification card; automated reading and recording of item serial numbers; ability to compare item serial numbers against databases of stolen items; secure storage of goods accepted by the kiosk; and capture and storage of images during the transaction. Section 538.03(1)(c), F.S.

<sup>15</sup> Section 538.06(3), F.S.

<sup>16</sup> Section 538.05, F.S.

requirements governing secondhand dealers in ch. 538, F.S., commits a first degree misdemeanor and is subject to a fine not to exceed \$10,000.<sup>17</sup>

### **Secondary Metals Recyclers and Mail-in Secondhand Precious Metals Dealers**

A secondary metals recycler means any person who:

- Is engaged, from a fixed location, in the business of purchase transactions or gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose, or is in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value; or
- Has facilities for performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof.<sup>18</sup>

A mail-in secondhand precious metals dealer means any person or entity that:

- Conducts business within Florida and contracts with others to buy precious metals or jewelry through an Internet website, the United States mail, or telemarketing; or
- Conducts business within Florida and regularly engages in the business of purchasing jewelry or precious metals through the mail or Internet-based transactions.<sup>19</sup>

### ***Secondary Metals Recyclers and Mail-in Secondhand Precious Metals Dealers Transaction Forms and Reporting Requirements***

A secondary metals recycler must maintain both a legible paper and electronic record of all purchase transactions to which such secondary metals recycler is a party.<sup>20</sup> The appropriate law enforcement official may provide data specifications regarding the electronic record format, but such format must be approved by the FDLE. The transaction record must include all of the following:

- The time, date, and place of the transaction.
- A complete and accurate description of the goods acquired.
- Digital photographs of the goods.
- A description of the person from whom the goods were acquired.

Any other information required by the FDLE.<sup>21</sup>

An electronic record of the purchase transaction must be transmitted to the appropriate law enforcement official no later than 10 a.m. on the business day following the transaction.<sup>22</sup>

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<sup>17</sup> Section 538.07(1), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

<sup>18</sup> Section 538.18(11), F.S.

<sup>19</sup> Section 538.31(1), F.S.

<sup>20</sup> Section 538.19(1), F.S.

<sup>21</sup> Section 538.19(2), F.S.

<sup>22</sup> Section 538.19(1), F.S.



Mail-in secondhand precious metals dealers must register with the DOR and keep a record of every transaction that includes the following:

- A complete and accurate description of the seller's goods, including:
  - precious metal type, or the type of jewelry.
  - Any other unique identifying marks, numbers, or letters. The description must be in an electronic format agreed upon by the dealer and the appropriate law enforcement agency.
- The date that the seller's goods were received by the mail-in secondhand precious metals dealer.<sup>23</sup>

The mail-in secondhand precious metals dealer must maintain records for 2 years, and all transaction records must be in a form that is easily retrievable upon request by a law enforcement agency.<sup>24</sup>

### ***Penalties***

A secondary metals recycler who knowingly and intentionally engages in a pattern of failing to keep records or violates provisions relating to hold notices or the right to inspect regulated metals commits a third degree felony.<sup>25</sup>

Any mail-in secondhand precious metals dealer who does not register with the DOR or fails to comply with recordkeeping requirements commits a third degree felony.<sup>26</sup> If a corporation is convicted or found guilty of, or pleads nolo contendere to, an offense, the corporation is prohibited from operating for 1 year as a mail-in secondhand precious metals dealer within the state.<sup>27</sup>

### **Pawnbrokers**

Pawnbrokers<sup>28</sup> must apply for and obtain an annual license from the Department of Agriculture and Consumer Services (DACS).<sup>29</sup> To be eligible for the license, each pawnshop must maintain a net worth of at least \$50,000 or file security in the form of a surety bond, letter of credit, or certificate of deposit of \$10,000 for each license.<sup>30</sup> The DACS is authorized to impose penalties

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<sup>23</sup> Section 538.32(3), F.S.

<sup>24</sup> Section 538.32(5), F.S.

<sup>25</sup> Section 538.23(1), F.S. A third degree felony is punishable by up to 5 years in prison and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>26</sup> Section 538.36(1), F.S. A third degree felony is punishable by up to 5 years in prison and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>27</sup> Section 538.36(1), F.S.

<sup>28</sup> A "pawnbroker" is a person who is engaged in the business of making pawns; who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. Pawnbrokers may also engage in purchasing goods which includes consignment and trade. Section 539.001(1)(i), F.S. A "pawn" is any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on certain terms and conditions. Section 539.001(1)(h), F.S.

<sup>29</sup> Section 539.001(3), F.S.

<sup>30</sup> Section 539.001(4), F.S.

of up to \$5,000 for noncompliance with the law.<sup>31</sup> As of October 5, 2025, there are 1,138 active pawn shop licensees statewide.<sup>32</sup>

### ***Pawnbroker Transaction Forms***

At the time a pawnbroker enters into any pawn or purchase transaction, the pawnbroker is required to complete a pawnbroker transaction form.<sup>33</sup> The form must include an indication of whether the transaction is a pawn or a purchase, and the seller must also sign the form.<sup>34</sup>

A pawnbroker is required to maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least 1 year after the date of the transaction.<sup>35</sup> On or before the end of each business day, the pawnbroker must deliver the original printed pawnbroker transaction forms, or printed copies of the digital pawnbroker transaction forms, for each transaction occurring during the previous business day to the appropriate law enforcement official.<sup>36</sup> Additionally, an electronic image accepted for a transaction must be maintained electronically to meet the same recordkeeping requirements as the original printed transaction form.<sup>37</sup>

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 the software, the law enforcement agency may provide one 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.<sup>38</sup>

### ***Penalties***

A person who willfully makes a false entry on a transaction form or any other record required under chapter 539, F.S., commits a first degree misdemeanor.<sup>39</sup> Clerical or recordkeeping errors on a document or required record do not constitute a willful violation.

Upon request, the FDLE must supply the agency with any arrest and conviction records in its possession of an individual applying for or holding a license.<sup>40</sup>

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<sup>31</sup> Fla. Admin. Code R. 5J-13.004 (2016).

<sup>32</sup> Florida Department of Law Enforcement, *Statewide Pawn Database Feasibility Study* (Nov. 4, 2025), p.7. On file with the Senate Commerce and Tourism Committee.

<sup>33</sup> Section 539.001(8)(a), F.S.

<sup>34</sup> *Id.*

<sup>35</sup> Section 539.001(9)(a), F.S.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Section 539.001(9)(b), F.S.

<sup>39</sup> Section 539.001(17), F.S. A first degree misdemeanor is punishable by up to 1 year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

<sup>40</sup> Section 539.001(19), F.S.

Any person who traffics in, or endeavors to traffic in, property that he or she knows or should know was stolen is guilty of a second degree felony.<sup>41</sup>

### **Feasibility Study**

In 2025, the FDLE was directed to conduct a feasibility study to evaluate the viability of establishing a statewide pawn database.<sup>42</sup> The study examined the feasibility of providing a free system to Florida law enforcement agencies that would allow them to access, update, and share pawn data in real time. The study recommended outsourcing pawn data collection through a single vendor, allowing the FDLE to control the system design and maintain a single database of all pawn records.<sup>43</sup>

## **III. Effect of Proposed Changes:**

**Section 1** amends s. 538.04, F.S., to require secondhand dealers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

**Section 2** amends s. 538.19, F.S., to require secondary metals recyclers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

**Section 3** amends s. 538.32, F.S., to require mail-in secondhand precious metals dealers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

**Section 4** amends s. 539.001, F.S., to require pawnbrokers, who are already required to provide recordkeeping, transaction forms, and reporting requirements to local law enforcement agencies, to also share that data with the FDLE for the purpose of statewide data sharing.

**Section 5** provides that the bill takes effect on July 1, 2026.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

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<sup>41</sup> Section 812.019(1), F.S. A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

<sup>42</sup> Ch. 2025-43, Laws of Fla.

<sup>43</sup> Florida Department of Law Enforcement, *Statewide Pawn Database Feasibility Study* (Nov. 4, 2025), p.43. On file with the Senate Commerce and Tourism Committee.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends substantially amends the following sections of the Florida Statutes: 538.04, 538.19, 538.32, and 539.001.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism Committee on January 28, 2026:**

The amendment removes the obligation for the FDLE to create a statewide database for collecting pawn data from secondhand dealers, secondary metals recyclers, and pawnbrokers. Instead, the amendment requires these entities, which are already required to provide specific information to local law enforcement agencies, to also share that data with the FDLE for statewide data sharing.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Yarborough

4-02252-26

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1 A bill to be entitled  
 2 An act relating to public records; amending s.  
 3 539.003, F.S.; expanding the exemption from public  
 4 records requirements for records relating to  
 5 pawnbroker transactions to include those records  
 6 delivered to the Department of Law Enforcement;  
 7 providing for future legislative review and repeal of  
 8 the exemption; providing a statement of public  
 9 necessity; providing a contingent effective date.  
 10  
 11 Be It Enacted by the Legislature of the State of Florida:  
 12  
 13 Section 1. Section 539.003, Florida Statutes, is amended to  
 14 read:  
 15 539.003 Confidentiality.—  
 16 (1) All records relating to pawnbroker transactions  
 17 delivered to appropriate law enforcement officials and the  
 18 Department of Law Enforcement pursuant to s. 539.001 are  
 19 confidential and exempt from the provisions of s. 119.07(1) and  
 20 s. 24(a), Art. I of the State Constitution and may be used only  
 21 for official law enforcement purposes. This section does not  
 22 prohibit the disclosure by the appropriate law enforcement  
 23 officials or the Department of Law Enforcement of the name and  
 24 address of the pawnbroker, the name and address of the conveying  
 25 customer, or a description of pawned property to the alleged  
 26 owner of pawned property.  
 27 (2) This section is subject to the Open Government Sunset  
 28 Review Act in accordance with s. 119.15 and shall stand repealed  
 29 on October 2, 2031, unless reviewed and saved from repeal

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

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BILL: SB 1792

INTRODUCER: Senator Yarborough

SUBJECT: Public Records/Pawnbroker Transactions

DATE: February 11, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kolich	Harkness	ACJ	<b>Pre-meeting</b>
2.			FP	

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## **I. Summary:**

SB 1792, which is linked to SB 1582, creates a public records exemption for all records relating to pawnbroker transactions delivered to the Department of Law Enforcement. The exemption does not prohibit the Department of Law Enforcement from releasing 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 the pawn property.

The bill provides that this information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and saved from repeal by the Legislature.

The bill contains a statement of public necessity, as required by the Florida Constitution.

The bill does not have a fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement.

The bill provides the effective date is the same date that SB 1582, or similar legislation, if adopted, takes effect. CS/SB 1582 provides an effective date of July 1, 2026.

## **II. Present Situation:**

### **A Public Records Law**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business

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<sup>1</sup> FLA. CONST., art. I, s. 24(a).

of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person who acts on behalf of the government.<sup>2</sup>

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.<sup>3</sup> Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.<sup>4</sup> The Public Records Act states that:

It is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>5</sup>

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted. Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.<sup>6</sup>

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”<sup>7</sup>

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>8</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>9</sup>

The Public Records Act contains general exemptions that apply across agencies. Agency or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program. Only the Legislature may create an exemption to public records

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<sup>2</sup> *Id.*

<sup>3</sup> The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

<sup>4</sup> Public records laws are found throughout the Florida Statutes.

<sup>5</sup> Section 119.01(1), F.S.

<sup>6</sup> Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.07(1)(a), F.S.

<sup>9</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.



requirements.<sup>10</sup> An exemption must be created by general law and must specifically state the public necessity which justifies the exemption.<sup>11</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill that enacts an exemption may not contain other substantive provisions<sup>12</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>13</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.<sup>14</sup> Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>15</sup> Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>16</sup>

### Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,<sup>17</sup> with specified exceptions.<sup>18</sup> The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.<sup>19</sup> In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>20</sup> An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption, and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;<sup>21</sup>
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize

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<sup>10</sup> FLA. CONST., art. I, s. 24(c).

<sup>11</sup> *Id.*

<sup>12</sup> The bill may, however, contain multiple exemptions that relate to one subject.

<sup>13</sup> FLA. CONST., art. I, s. 24(c).

<sup>14</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5<sup>th</sup> DCA 2004).

<sup>15</sup> *Id.*

<sup>16</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5<sup>th</sup> DCA 1991).

<sup>17</sup> An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

<sup>18</sup> Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>19</sup> Section 119.15(3), F.S.

<sup>20</sup> Section 119.15(6)(b), F.S.

<sup>21</sup> Section 119.15(6)(b)1., F.S.

the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>22</sup> or

- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>23</sup>

The Act requires specified questions to be considered during the review process.<sup>24</sup> In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>25</sup> If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.<sup>26</sup>

### **Pawnbroker Transaction Forms**

When a pawnbroker enters into any pawn or purchase transaction, the pawnbroker must complete a pawnbroker transaction form, indicating whether the transaction is a pawn or a purchase. The pledgor<sup>27</sup> or seller must sign the completed form. The pawnbroker must record the following identifying information on the front of the form, which must be typed or written indelibly and legibly in English:

- The name and address of the pawnshop.
- A complete and accurate description of the pledged goods or purchased goods including certain identifying information.
- The name, address, home, telephone number, place of employment, date of birth, physical description, and right thumbprint of the pledgor or seller.
- The date and time of the transaction.
- The type of identification accepted from the pledgor or seller, including the issuing agency and the identification number.
- In the case of a pawn:
  - The amount of money advanced, which must be designated as the amount financed.
  - The maturity date of the pawn, which must be 30 days after the date of the pawn.

<sup>22</sup> Section 119.15(6)(b)2., F.S.

<sup>23</sup> Section 119.15(6)(b)3., F.S.

<sup>24</sup> Section 119.15(6)(a), F.S. The specific questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>25</sup> FLA. CONST. art. I, s. 24(c).

<sup>26</sup> Section 119.15(7), F.S.

<sup>27</sup> A "pledgor" is the person who delivers pledged goods into the possession of a pawnbroker in connection with a pawn. Section 539.001(2)(p), F.S.

- The default date of the pawn and the amount due on the default date.
- The total pawn service charge payable on the maturity date, which must be designated as the finance charge.
- The amount financed plus the finance charge that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments.
- The annual percentage rate.
- The front or back of the pawnbroker transaction form must include certain information specific to pawns.
- In the case of a purchase, the amount of money paid for the goods or the monetary value assigned to the goods in connection with the transaction.
- A statement that the pledgor or seller of the item represents and warrants that it is not stolen, that it has no liens or encumbrances against it, and that the pledgor or seller is the rightful owner of the goods and has the right to enter into the transaction.<sup>28</sup>

### **Pawnbroker Transaction Form Recordkeeping**

A pawnbroker must provide a pledgor or seller with a copy of a pawnbroker transaction form at the time of the pawn or sale.<sup>29</sup> Pawnbroker transaction forms must be kept on the pawnshop's premises for at least one year after the transaction's date.<sup>30</sup>

Before the end of each business day, a pawnbroker must deliver the original pawnbroker transaction forms to the appropriate official<sup>31</sup> for the local law enforcement agency for all of the transactions during the previous business day unless other arrangements have been agreed upon by the pawnbroker and the appropriate law enforcement agency.<sup>32</sup>

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.<sup>33</sup>

All records relating to pawnbroker transactions delivered to appropriate law enforcement officials pursuant to s. 539.001, F.S., are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution and may be used only for official law enforcement purposes. Law enforcement officials are not prohibited from disclosing 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.<sup>34</sup>

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<sup>28</sup> Section 539.001(8)(b), F.S.

<sup>29</sup> Section 539.001(8), F.S.

<sup>30</sup> Section 539.001(9), F.S.

<sup>31</sup> 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. Section 539.001(1)(b), F.S.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Section 539.003, F.S.

### III. Effect of Proposed Changes:

CS/SB 1582 amends ss. 538.04, 538.19, 538.32, and 539.001, F.S., to require all secondhand dealers, secondary metals recyclers, mail-in secondhand precious metals dealers, and pawnbrokers to provide certain recordkeeping and transaction information to the Florida Department of Law Enforcement (FDLE) for the purpose of statewide data sharing.

**Section 1** of this bill provides that all records relating to pawnbroker transactions delivered to the Department of Law Enforcement are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The exemption does not prohibit the Department of Law Enforcement from releasing 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 the pawn property.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and saved from repeal by the Legislature.

**Section 2** provides a public necessity statement, which is required by the Florida Constitution. The bill states that the public records exemption is necessary because the records contain sensitive personal identifying information from pawn transactions. Access to such sensitive information would expose pledgors and sellers to increased risks of identity theft.

**Section 3** provides that the bill takes effect on the same date that SB 1582 or similar legislation takes effect, if adopted in the same legislative session or an extension thereof and becomes a law. SB 1582 provides an effective date of July 1, 2026.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

##### **Vote Requirement**

Article I, section 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records or open meetings requirements. This bill creates a public records exemption; therefore, it requires a two-thirds vote.

**Public Necessity Statement**

Article I, section 24(a) of the State Constitution and Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records or open meetings requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill includes a public necessity statement for the exemptions. The bill states that the public records exemption is necessary because the records contain sensitive personal identifying information from pawn transactions. Access to such sensitive information would expose pledgors and sellers to increased risks of identity theft.

**Breadth of Exemption**

Article I, section 24(c), of the State Constitution requires exemptions to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the bill is to protect the personal identifying information from pawn transactions. The exemption does not appear to be broader than necessary to accomplish its purpose.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 539.003 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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