

Committee on Banking and Insurance

CS/SB 214 — Sales of Firearms and Ammunition

by Commerce and Tourism Committee and Senator Burgess

The bill (Chapter 2023-79, L.O.F.) revises Florida gun registry laws to prohibit certain entities from using an identifying code for purchases from firearm or ammunition retailers. The bill:

- Makes Legislative findings with respect to maintaining records or tracking firearms and ammunition purchases by nongovernmental entities, specifying that such records and tracking may frustrate the right to keep and bear arms and violates the reasonable privacy rights of lawful purchasers of firearms or ammunition.
- Prohibits payment settlement entities, merchant acquiring entities, third party settlement organizations, or entities involved in facilitating or processing a payment card transaction from classifying or assigning merchants with a merchant category code (“MCC”) that identifies them as sellers of firearms or ammunition.
- Authorizes a firearm or ammunition merchant to be assigned or use an MCC for general merchandise or sporting goods retailers.
- Provides that any agreement or contractual clause that is not in compliance with the prohibition against classifying a merchant as a firearms or ammunition retailer or a similar classification, or requiring a merchant to use such a classification, is void and in violation of the public policy of Florida.
- Amends the penalties provisions of the Florida gun registry laws to only apply to the law prohibiting any person, public or private, from keeping a registry of privately owned firearms, and not to the new provisions relating to MCCs established under the bill.
- Excludes the new provisions relating to MCCs for firearms or ammunition retailers from the provision under current law that provides that the state attorney in the appropriate jurisdiction is responsible for investigating violations.
- Authorizes the Department of Agriculture and Consumer Services to conduct investigations of alleged violations of the new provisions on MCCs, and to bring an administrative action seeking to impose penalties for such violations.

These provisions were approved by the Governor and take effect July 1, 2023.

Vote: Senate 27-11; House 83-32