

By Senator Braynon

36-00984-16

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 790.2335, F.S.; exempting records containing
4 identifying information of the respondent, petitioner,
5 or recipient of firearms relinquished pursuant to
6 provisions relating to injunctions against domestic
7 violence, stalking, or cyberstalking; providing for
8 future legislative review and repeal of the
9 exemptions; providing a statement of public necessity;
10 providing a contingent effective date.

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

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14 Section 1. Section 790.2335, Florida Statutes, is created
15 to read:

16 790.2335 Public records exemption; records concerning
17 firearms relinquished pursuant to a domestic violence, stalking,
18 or cyberstalking injunction.—Records, data, information, or
19 reports containing the name, address, or other identifying
20 information of either the respondent, petitioner, or recipient
21 of firearms relinquished pursuant to s. 741.30(6)(g) or s.
22 784.0485(6)(e) or records that contain the make, model, caliber,
23 serial number, or other identifying information of any firearm
24 and that are required, authorized, or maintained pursuant to s.
25 741.30(6)(g) or s. 784.0485(6)(e) are confidential and exempt
26 from s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution. This section is subject to the Open Government
28 Sunset Review Act in accordance with s. 119.15 and shall stand
29 repealed on October 2, 2021, unless reviewed and saved from
30 repeal through reenactment by the Legislature.

31 Section 2. The Legislature finds that it is a public
32 necessity that records, data, information, or reports containing

36-00984-16

20161408__

33 the name, address, or other identifying data of the respondent,
34 petitioner, or recipient of firearms relinquished pursuant to s.
35 741.30(6)(g) or s. 784.0485(6)(e), Florida Statutes, or records
36 that contain the make, model, caliber, serial number, or other
37 identifying data of any firearm and that are required,
38 authorized, or maintained pursuant to s. 741.30(6)(g) or s.
39 784.0485(6)(e), Florida Statutes, be held exempt from s.
40 119.07(1), Florida Statutes, and s. 24(a), Article I of the
41 State Constitution. Such information concerning a petitioner, if
42 publicly available, could expose victims of domestic violence,
43 stalking, cyberstalking, repeat violence, sexual violence, and
44 dating violence to public humiliation and shame and could
45 inhibit the victim from availing herself or himself of relief
46 provided under state law. If such information concerning
47 petitioners was publicly available, it could be used by the
48 partner or former partner of the victim of domestic violence,
49 repeat violence, sexual violence, or dating violence to
50 determine the location of the victim, thus placing the victim in
51 jeopardy. Additionally, information concerning the recipient or
52 owner of firearms or identifying the firearms, themselves, could
53 encourage the theft of the firearms and could possibly lead to
54 their use in future crimes.

55 Section 3. This act shall take effect on the same date that
56 SB ____ or similar legislation relating to relinquishing
57 firearms pursuant to a domestic violence, stalking, or
58 cyberstalking injunction takes effect, if such legislation is
59 adopted in the same legislative session or an extension thereof
60 and becomes a law.