

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 790.301, F.S.; providing an exemption from public
 4 records requirements for personal identifying
 5 information of a person issued a certificate of
 6 possession with respect to an assault weapon or large
 7 capacity ammunition magazine; providing for access to
 8 exempt information for specified purposes; providing
 9 for future legislative review and repeal of the
 10 exemption; providing a statement of public necessity;
 11 providing a contingent effective date.

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

14
 15 Section 1. Section 790.301, Florida Statutes, is created
 16 to read:

17 790.301 Public records; assault weapon or large capacity
 18 ammunition magazine certificates of possession.-

19 (1) (a) Personal identifying information of a person issued
 20 a certificate of possession with respect to an assault weapon or
 21 large capacity ammunition magazine under s. 790.30 held by the
 22 Department of Law Enforcement is confidential and exempt from s.
 23 119.07(1) and s. 24(a), Art. I of the State Constitution.

24 (b) Such information may be disclosed to:

25 1. The Department of Law Enforcement for the purpose of

26 conducting background checks for certificates of possession
27 issued under s. 790.30(5).

28 2. Law enforcement agencies conducting criminal
29 investigations or other investigations authorized by law.

30 (2) This section is subject to the Open Government Sunset
31 Review Act in accordance with s. 119.15 and shall stand repealed
32 on October 2, 2022, unless reviewed and saved from repeal
33 through reenactment by the Legislature.

34 Section 2. (1) The Legislature finds that it is a public
35 necessity that personal identifying information of a person
36 issued a certificate of possession with respect to an assault
37 weapon or large capacity ammunition magazine under s. 790.30,
38 Florida Statutes, be made confidential and exempt from public
39 records requirements. The possession of an assault weapon or
40 large capacity ammunition magazine in this state by a member of
41 the general public requires an individual to file an application
42 containing personal identifying information. The Legislature has
43 made the Department of Law Enforcement the responsible agency
44 for collecting this information and issuing a certificate of
45 possession with respect to an assault weapon or large capacity
46 ammunition magazine.

47 (2) The knowledge that an individual has obtained a
48 certificate of possession for an assault weapon or large
49 capacity ammunition magazine may logically lead to the
50 conclusion that he or she owns such a weapon or large capacity

51 ammunition magazine and may lead to the theft or attempted theft
52 of such a weapon or magazine. Additionally, the Legislature has
53 expressed in s. 790.335(1)(a)3., Florida Statutes, that a record
54 of legally owned firearms or law-abiding firearm owners is "an
55 instrument that can be used as a means to profile innocent
56 citizens and to harass and abuse American citizens based solely
57 on their choice to own firearms and exercise their Second
58 Amendment right to keep and bear arms as guaranteed under the
59 United States Constitution." Release of personal identifying
60 information of an individual who has obtained a certificate of
61 possession for an assault weapon or large capacity ammunition
62 magazine could be used to harass an innocent individual based
63 solely on his or her exercised right to possess such a weapon or
64 magazine. Therefore, the Legislature finds that the personal
65 identifying information of an individual who has obtained a
66 certificate of possession for an assault weapon or large
67 capacity ammunition magazine pursuant to s. 790.30, Florida
68 Statutes, must be held confidential and exempt from public
69 records requirements.

70 Section 3. This act shall take effect on the same date
71 that HB 167 or similar legislation takes effect, if such
72 legislation is adopted in the same legislative session or an
73 extension thereof and becomes a law.