

1                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           790.065, F.S.; providing an exemption from public  
4           records requirements for records containing certain  
5           information pertaining to a buyer or transferee who is  
6           not found to be prohibited from receipt or transfer of  
7           ammunition; providing for future legislative review  
8           and repeal of the exemption; providing a statement of  
9           public necessity; providing a contingent effective  
10          date.

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

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14          Section 1. Paragraph (a) of subsection (4) of section  
15          790.065, Florida Statutes, is amended to read:

16          790.065 Sale and delivery of firearms.—

17          (4) (a) Any records containing any of the information set  
18          forth in subsection (1) pertaining to a buyer or transferee who  
19          is not found to be prohibited from receipt or transfer of a  
20          firearm or ammunition by reason of Florida and federal law which  
21          records are created by the Department of Law Enforcement to  
22          conduct the criminal history record check shall be confidential  
23          and exempt from ~~the provisions of~~ s. 119.07(1) and may not be  
24          disclosed by the Department of Law Enforcement or any officer or  
25          employee thereof to any person or to another agency. The

26 Department of Law Enforcement shall destroy any such records  
27 forthwith after it communicates the approval and nonapproval  
28 numbers to the licensee and, in any event, such records shall be  
29 destroyed within 48 hours after the day of the response to the  
30 licensee's request.

31 Section 2. The amendments to s. 790.065(4) (a), Florida  
32 Statutes, made by this act are subject to the Open Government  
33 Sunset Review Act in accordance with s. 119.15, Florida  
34 Statutes, and shall stand repealed on October 2, 2025, and the  
35 text of this paragraph shall revert to that in existence on July  
36 1, 2020, except that any amendments to such text enacted other  
37 than by this act shall be preserved and continue to operate to  
38 the extent that such amendments are not dependent upon the  
39 portions of text which expire pursuant to this section, unless  
40 reviewed and saved from repeal through reenactment by the  
41 Legislature.

42 Section 3. The Legislature finds that it is a public  
43 necessity that the information pertaining to an individual who  
44 is a buyer or transferee who is not found to be prohibited from  
45 receipt or transfer of ammunition under s. 790.065, Florida  
46 Statutes, be made confidential and exempt from public records  
47 requirements under s. 119.07(1), Florida Statutes, and s. 24(a),  
48 Article I of the State Constitution. The knowledge that someone  
49 has purchased ammunition can easily lead to the conclusion that  
50 the applicant or licensee has in fact armed himself or herself.

51 The Legislature has found in prior legislative sessions and has  
52 expressed in s. 790.335(1)(a)3., Florida Statutes, that a list,  
53 record, or registry of legally owned firearms or law-abiding  
54 firearm owners is "an instrument that can be used as a means to  
55 profile innocent citizens and to harass and abuse American  
56 citizens based solely on their choice to own firearms and  
57 exercise their Second Amendment right to keep and bear arms as  
58 guaranteed under the United States Constitution." Release of  
59 personal identifying information of an individual who has  
60 purchased ammunition could be used to harass an innocent person  
61 based solely on that person's exercised right to own a firearm.  
62 Therefore, the Legislature finds that such information must be  
63 held confidential and exempt from public records requirements.

64 Section 4. This act shall take effect on the same date  
65 that HB 289 or similar legislation takes effect, if such  
66 legislation is adopted in the same legislative session or an  
67 extension thereof and becomes a law.