

By Senator Polsky

29-00609-22

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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 for the  
9           reversion of specified statutory text if certain  
10          conditions are met; providing a statement of public  
11          necessity; providing a contingent effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Paragraph (a) of subsection (4) of section  
16           790.065, Florida Statutes, as amended by SB 334, 2022 Regular  
17           Session, is amended to read:

18           790.065 Sale and delivery of firearms and ammunition.—

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

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30 communicates the approval and nonapproval numbers to the  
31 licensee and, in any event, such records shall be destroyed  
32 within 48 hours after the day of the response to the licensee's  
33 request.

34 Section 2. The amendments to s. 790.065(4)(a), Florida  
35 Statutes, made by this act are subject to the Open Government  
36 Sunset Review Act in accordance with s. 119.15, Florida  
37 Statutes, and s. 24(a), Article I of the State Constitution and  
38 shall stand repealed on October 2, 2027, and the text of this  
39 paragraph shall revert to that in existence on September 30,  
40 2022, except that any amendments to such text enacted other than  
41 by this act shall be preserved and continue to operate to the  
42 extent that such amendments are not dependent upon the portions  
43 of text which expire pursuant to this section, unless reviewed  
44 and saved from repeal through reenactment by the Legislature.

45 Section 3. The Legislature finds that it is a public  
46 necessity that the information pertaining to an individual who  
47 is a buyer or transferee who is not found to be prohibited from  
48 receipt or transfer of ammunition under s. 790.065, Florida  
49 Statutes, be made confidential and exempt from public records  
50 requirements under s. 119.07(1), Florida Statutes, and s. 24(a),  
51 Article I of the State Constitution. The knowledge that someone  
52 has purchased ammunition can easily lead to the conclusion that  
53 the applicant or licensee has in fact armed himself or herself.  
54 The Legislature has found in prior legislative sessions and has  
55 expressed in s. 790.335(1)(a)3., Florida Statutes, that a list,  
56 record, or registry of legally owned firearms or law-abiding  
57 firearm owners is "an instrument that can be used as a means to  
58 profile innocent citizens and to harass and abuse American

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59 citizens based solely on their choice to own firearms and  
60 exercise their Second Amendment right to keep and bear arms as  
61 guaranteed under the United States Constitution.” Release of  
62 personal identifying information of an individual who has  
63 purchased ammunition could be used to harass an innocent person  
64 based solely on that person’s exercised right to own a firearm.  
65 Therefore, the Legislature finds that such information must be  
66 held confidential and exempt from public records requirements.

67 Section 4. This act shall take effect on the same date that  
68 SB 334 or similar legislation takes effect, if such legislation  
69 is adopted in the same legislative session or an extension  
70 thereof and becomes a law.