

By Senator Polsky

30-00019-23

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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 unless 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:
14

15 Section 1. Paragraph (a) of subsection (4) of section
16 790.065, Florida Statutes, is amended to read:

17 790.065 Sale and delivery of firearms and ammunition.—

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

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

33 Section 2. The amendments to s. 790.065(4)(a), Florida
34 Statutes, made by this act are subject to the Open Government
35 Sunset Review Act in accordance with s. 119.15, Florida
36 Statutes, and s. 24(a), Article I of the State Constitution and
37 shall stand repealed on October 2, 2028, and the text of this
38 paragraph shall revert to that in existence on September 30,
39 2023, except that any amendments to such text enacted other than
40 by this act shall be preserved and continue to operate to the
41 extent that such amendments are not dependent upon the portions
42 of text which expire pursuant to this section, unless reviewed
43 and saved from repeal through reenactment by the Legislature.

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

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

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