

By Senator Polsky

30-00356-24

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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:

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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, are ~~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, 2029, and the text of s.  
38 790.065(4)(a) shall revert to that in existence on September 30,  
39 2024, 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  
53 herself. The Legislature has found in prior legislative sessions  
54 and has expressed in s. 790.335(1)(a)3., Florida Statutes, that  
55 a list, record, or registry of legally owned firearms or law-  
56 abiding firearm owners is "an instrument that can be used as a  
57 means to profile innocent citizens and to harass and abuse  
58 American citizens based solely on their choice to own firearms

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59 and exercise their Second Amendment right to keep and bear arms  
60 as 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.