

By Senator Polsky

30-00370-25

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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 to s. 24(a), Article I of the State Constitution  
37 and shall stand repealed on October 2, 2030, and the text of s.  
38 790.065(4)(a), Florida Statutes, shall revert to that in  
39 existence on September 30, 2025, except that any amendments to  
40 such text enacted other than by this act shall be preserved and  
41 continue to operate to the extent that such amendments are not  
42 dependent upon the portions of text which expire pursuant to  
43 this section, unless reviewed and saved from repeal through  
44 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  
54 herself. The Legislature has found in prior legislative sessions  
55 and has expressed in s. 790.335(1)(a)3., Florida Statutes, that  
56 a list, record, or registry of legally owned firearms or law-  
57 abiding firearm owners is "an instrument that can be used as a  
58 means to profile innocent citizens and to harass and abuse

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59 American citizens based solely on their choice to own firearms  
60 and exercise their Second Amendment right to keep and bear arms  
61 as 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 256 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.