

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34 Statutes, and shall stand repealed on October 2, 2027, and the
35 text of this paragraph shall revert to that in existence on
36 September 30, 2022, except that any amendments to such text
37 enacted other than by this act shall be preserved and continue
38 to operate to the extent that such amendments are not dependent
39 upon the portions of text which expire pursuant to this section,
40 unless 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 181 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.