HB 153

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.
11	
12	Be It Enacted by the Legislature of the State of Florida:
13	
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 <u>or ammunition</u> 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
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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. The amendments to s. 790.065(4)(a), Florida 31 Section 2. 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subject to the Open Government 33 Sunset Review Act in accordance with s. 119.15, Florida 34 Statutes, and shall stand repealed on October 2, 2028, and the 35 text of this paragraph shall revert to that in existence on September 30, 2023, except that any amendments to such text 36 37 enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent 38 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 Statutes, be made confidential and exempt from public records 46 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.

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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 151 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.

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