

1                                   A bill to be entitled  
 2           An act relating to public records; creating s.  
 3           790.301, F.S.; providing an exemption from public  
 4           records requirements for personal identifying  
 5           information of a person issued a certificate of  
 6           possession with respect to an assault weapon or large-  
 7           capacity ammunition magazine; providing for access to  
 8           exempt information for specified purposes; providing  
 9           for future legislative review and repeal of the  
 10          exemption; providing a statement of public necessity;  
 11          providing a contingent effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Section 790.301, Florida Statutes, is created  
 16 to read:

17           790.301 Public records; assault weapon or large-capacity  
 18 ammunition magazine certificates of possession.-

19           (1) (a) Personal identifying information of a person issued  
 20 a certificate of possession with respect to an assault weapon or  
 21 large-capacity ammunition magazine under s. 790.30 held by the  
 22 Department of Law Enforcement is confidential and exempt from s.  
 23 119.07(1) and s. 24(a), Art. I of the State Constitution.

24           (b) Such information may be disclosed to:

25           1. The Department of Law Enforcement for the purpose of

26 conducting background checks for certificates of possession  
27 issued under s. 790.30(5).

28 2. Law enforcement agencies conducting criminal  
29 investigations or other investigations authorized by law.

30 (2) This section is subject to the Open Government Sunset  
31 Review Act in accordance with s. 119.15 and shall stand repealed  
32 on October 2, 2023, unless reviewed and saved from repeal  
33 through reenactment by the Legislature.

34 Section 2. (1) The Legislature finds that it is a public  
35 necessity that personal identifying information of a person  
36 issued a certificate of possession with respect to an assault  
37 weapon or large-capacity ammunition magazine under s. 790.30,  
38 Florida Statutes, be made confidential and exempt from public  
39 records requirements. The possession of an assault weapon or  
40 large-capacity ammunition magazine in this state by a member of  
41 the general public requires an individual to file an application  
42 containing personal identifying information. The Legislature has  
43 made the Department of Law Enforcement the responsible agency  
44 for collecting this information and issuing a certificate of  
45 possession with respect to an assault weapon or large-capacity  
46 ammunition magazine.

47 (2) The knowledge that an individual has obtained a  
48 certificate of possession for an assault weapon or large-  
49 capacity ammunition magazine may logically lead to the  
50 conclusion that he or she owns such a weapon or large-capacity

51 ammunition magazine and may lead to the theft or attempted theft  
52 of such a weapon or magazine. Additionally, the Legislature has  
53 expressed in s. 790.335(1)(a)3., Florida Statutes, that a record  
54 of legally owned firearms or law-abiding firearm owners is "an  
55 instrument that can be used as a means to profile innocent  
56 citizens and to harass and abuse American citizens based solely  
57 on their choice to own firearms and exercise their Second  
58 Amendment right to keep and bear arms as guaranteed under the  
59 United States Constitution." Release of personal identifying  
60 information of an individual who has obtained a certificate of  
61 possession for an assault weapon or large-capacity ammunition  
62 magazine could be used to harass an innocent individual based  
63 solely on his or her exercised right to possess such a weapon or  
64 magazine. Therefore, the Legislature finds that the personal  
65 identifying information of an individual who has obtained a  
66 certificate of possession for an assault weapon or large-  
67 capacity ammunition magazine pursuant to s. 790.30, Florida  
68 Statutes, must be held confidential and exempt from public  
69 records requirements.

70 Section 3. This act shall take effect on the same date  
71 that HB 219 or similar legislation takes effect, if such  
72 legislation is adopted in the same legislative session or an  
73 extension thereof and becomes a law.