



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

March 2, 2026

Honorable Melissa Nelson
Office of the State Attorney
Fourth Judicial Circuit of Florida
311 West Monroe Street
Jacksonville, Florida 32202

Dear Madame State Attorney:

I have received your letter dated January 2, 2026, which explained your office's decision to decline taking any action with respect to the City of Jacksonville's creation and maintenance of an illegal firearm registry. Although my office lacks jurisdiction to prosecute this case, I offer this response in light of my duty under section 16.08, Florida Statutes, to ensure the consistent interpretation and enforcement of the law across the state.

Section 790.335(2)(a), Florida Statutes, makes it unlawful for a "local government" or an "employee of ... [a] government entity" to "knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms." From July 2023 to April 2025, security personnel recorded in logbooks the personal and firearm information of persons who brought a gun into Jacksonville City Hall and another city building. This practice was based on a written directive authored by a public works manager. According to your letter, the logbooks "did not record firearm ownership or identify firearm owners," the directive was "never submitted to the City's Office of General Counsel (OGC) for legal review," the public works manager "mistakenly believed" it was legal, and the lack of oversight was based on a "failure of process" and "compounded by a mayoral transition."¹ None of those observations, however, negate the alleged crime. The fact remains that the city maintained a firearm registry of privately owned firearms for two years and your office's analysis of the relevant statute does not withstand scrutiny.

First, the logbooks constitute a "list, record, or registry" of "privately owned firearms" within the meaning of section 790.335(2)(a). Your investigation report stated that the logbooks contained "more than 140 entries recording the names, birthdates, ID numbers, and firearm types of over 100 individuals." The statute prohibits the maintenance of a list, record, or

¹ Letter from Melissa Nelson, State Attorney, to James Uthmeier, Attorney General of Florida (Jan. 2, 2026) (on file with the Office of the Florida Attorney General).

registry of “privately owned firearms” or “the owners of those firearms.”² Nothing in the statute requires that the list, record, or registry records the fact of private ownership or the names of the owners. So long as the firearms on the list are privately owned, such list violates the statute. The logbooks at issue here constitute a list of privately owned firearms because the firearms on the list are privately owned—not government-owned—irrespective of the identities of the owners. As such, the logbooks violate section 790.335(2)(a).

Second, your office incorrectly concluded that no person or entity “knowingly and willfully” kept or caused to be kept an illegal firearm registry because the “evidence revealed a failure of process—not criminal intent.” You are correct that section 790.335(2)(a) does not impose strict criminal liability, but that doesn’t matter because strict liability only applies to crimes for which no intent is required to be proven.³ Here, the statute requires proof that a person “knowingly and willfully [kept] or cause[d] to be kept any list, record, or registry of privately owned firearms.” The term “knowingly” has been defined, in the context of Chapter 790 offenses, as “actual knowledge and understanding of the facts or the truth” or “an act done voluntarily and intentionally and not because of mistake or accident or other innocent reason.”⁴ The term “willfully” has been defined as “intentionally, knowingly, and purposely.”⁵ These terms only require that a person intended to keep a log and that the person knew the log was a list of privately owned firearms. Whether the person had a specific criminal intent is irrelevant here. Ignorance of the law is no excuse.⁶ It therefore does not matter that the public works manager thought his conduct was legal or that the written directive should have been submitted for legal review but was not. The facts are plainly sufficient to create a jury issue that he acted “knowingly and willfully” within the meaning of section 790.335(2)(a).

City leadership also bears responsibility. The illegal firearm registry was maintained at City Hall, using City resources, and within the course and scope of City duties. Either city leadership was fully aware of the firearm logbook practice and did nothing, or they failed to adequately train and supervise their employees. In either case, such institutional failure exposed law-abiding firearm owners to the very dangers that the registry prohibition was designed to prevent. Registries can become “an instrument for profiling, harassing, or abusing law-abiding citizens based on their choice to own a firearm and exercise their Second Amendment right to keep and bear arms.”⁷

As the statute makes clear, “[l]aw-abiding firearm owners whose names have been illegally recorded in a list, record, or registry are entitled to redress.”⁸ The City of Jacksonville “may be assessed a fine of up to \$5 million” if it is determined that the registry was “compiled or

² § 790.335(2)(a), Fla. Stat.

³ See *State v. Giorgetti*, 868 So. 2d 512, 518–20 (Fla. 2004) (noting that strict liability crimes contain no intent or mens rea requirement). The public works manager intended to commit the action, he just *allegedly* didn’t know it was illegal.

⁴ Fla. Std. Jury Instr. (Crim.), Ch. 10 (Weapons Offenses).

⁵ *Id.*

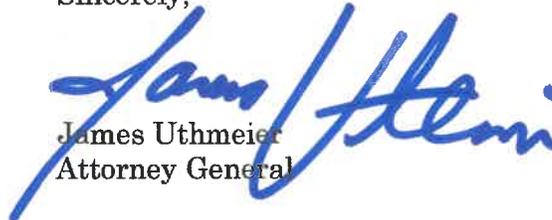
⁶ See *D.F. v. State*, 682 So. 2d 149, 152 (Fla. 4th DCA 1996) (“Ignorance of the law does not excuse a private citizen; it certainly does not excuse a law enforcement officer from violating a statute designed to regulate police conduct.”); see also *Davis v. State*, 928 So. 2d 442, 448 (Fla. 5th DCA 2006) (noting that “every person is presumed to know the law and ... ignorance of the law is no excuse”) (quoting *American Home Assur. Co. v. Plaza Materials Corp.*, 908 So. 2d 360, 377 (Fla. 2005)).

⁷ § 790.335(1)(a)2., Fla. Stat.

⁸ § 790.335(1)(a)5., Fla. Stat.

maintained with the knowledge or complicity” of City leadership.⁹ The City’s firearm logbook practice went on for two years, and Floridians whose rights were violated deserve accountability. Accordingly, I am directing Deputy Attorney General (Enforcement) Jason Hilborn to retrieve all evidence in this case for the purpose of potentially commencing civil proceedings under section 790.335(4)(c). I would appreciate your office’s cooperation with this effort.

Sincerely,



James Uthmeier
Attorney General

Cc: Jason Hilborn, Deputy Attorney General (Enforcement)

⁹ § 790.335(4)(c), Fla. Stat. (providing that the “Attorney General may bring a civil cause of action to enforce the fines assessed under this paragraph”).