

Bill No. SB 1162

Barcode 121322

CHAMBER ACTION

Senate

House

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The Committee on Commerce and Consumer Services (Saunders)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 790.0601, Florida Statutes, is
created to read:

790.0601 Public records exemption for concealed
weapons.--

(1) Personal identifying information of an individual
who has applied for or received a license to carry a concealed
weapon or firearm pursuant to s. 790.06 held by the Division
of Licensing of the Department of Agriculture and Consumer
Services is confidential and exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution. This exemption
applies to such information held by the division before, on,
or after the effective date of this section.

(2) Information made confidential and exempt by this
section shall be disclosed:

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1 (a) With the express written consent of the applicant
2 or licensee or his or her legally authorized representative.

3 (b) By court order upon a showing of good cause.

4 (c) Upon written request by law enforcement in
5 connection with an active criminal investigation.

6 (3) This section is subject to the Open Government
7 Sunset Review Act in accordance with s. 119.15 and shall stand
8 repealed on October 2, 2011, unless reviewed and saved from
9 repeal through reenactment by the Legislature.

10 Section 2. The Legislature finds that it is a public
11 necessity that the personal identifying information of an
12 individual who has applied for or received a license to carry
13 a concealed weapon or firearm held by the Division of
14 Licensing of the Department of Agriculture and Consumer
15 Services be made confidential and exempt from public records
16 requirements, with certain exceptions. The carrying of a
17 concealed weapon in the state by members of the general public
18 requires an individual to obtain a license from the Department
19 of Agriculture and Consumer Services. The applicant for a
20 license to carry a concealed weapon or firearm must state that
21 he or she seeks a concealed weapon or firearms license as a
22 means of lawful self-defense. The knowledge that someone has
23 applied for or received a license to carry a concealed weapon
24 or firearm can very easily lead to the conclusion that the
25 applicant or licensee has in fact armed himself or herself.
26 This knowledge defeats the purpose behind the authorization to
27 carry a concealed weapon or firearm. If the applicant or
28 licensee had intended for the general public to know he or she
29 was carrying a weapon or firearm then he or she only would
30 have applied for a regular weapon or firearms permit. The
31 Legislature has found in prior legislative sessions and has

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1 expressed in s. 790.335(1)(a)3., Florida Statutes, that "a . . .
 2 . record . . . of legally owned firearms or law-abiding
 3 firearm owners is . . . an instrument that can be used as a
 4 means to profile innocent citizens and to harass and abuse
 5 American citizens based solely on their choice to own firearms
 6 and exercise their Second Amendment right to keep and bear
 7 arms as guaranteed under the United States Constitution."
 8 Release of personal identifying information of an individual
 9 who has applied for or received a license to carry a concealed
 10 weapon or firearm could be used to harass an innocent person
 11 based solely on that person's exercised right to carry a
 12 concealed weapon or firearm. Furthermore, such information
 13 could be used and has been used to identify individuals who
 14 have obtained a license to carry a concealed weapon or firearm
 15 for the purpose of making the identity of the applicant or
 16 licensee publicly available via traditional media and the
 17 Internet. Once again, such release contradicts the purpose of
 18 carrying a concealed weapon or firearm. As such, the
 19 Legislature finds that the personal identifying information of
 20 an individual who has applied for or received a license to
 21 carry a concealed weapon or firearm pursuant to chapter 790,
 22 Florida Statutes, must be held confidential and exempt from
 23 public records requirements.

24 Section 3. This act shall take effect October 1, 2006.

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause

31 and insert:

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A bill to be entitled

An act relating to public records; creating s.
790.0601, F.S.; creating an exemption from
public records requirements for certain
personal identifying information held by the
Division of Licensing of the Department of
Agriculture and Consumer Services; providing
for retroactive application of the exemption;
providing for disclosure of such information
under specified conditions; providing for
review and repeal; providing a statement of
public necessity; providing an effective date.