

By Senators Haridopolos and Crist

26-794A-06

1 A bill to be entitled

2 An act relating to public records; amending s.

3 119.0712, F.S.; providing an exemption from

4 public-records requirements for information

5 contained in records maintained by the Division

6 of Licensing within the Department of

7 Agriculture and Consumer Services concerning

8 persons seeking a license to carry a concealed

9 firearm or weapon; providing for exceptions to

10 the exemption; providing for future legislative

11 review and repeal; providing findings of public

12 necessity; providing an effective date.

14 Be It Enacted by the Legislature of the State of Florida:

16 Section 1. Subsection (3) is added to section

17 119.0712, Florida Statutes, to read:

18 119.0712 Executive branch agency-specific exemptions

19 from inspection or copying of public records.--

20 (3) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--

21 (a) As used in this subsection, the term "personal

22 identifying information" means any name or number that may be

23 used, alone or in conjunction with any other information, to

24 identify a specific person, including any name, postal or

25 electronic mail address, telephone number, social security

26 number, date of birth, mother's maiden name, official

27 state-issued or United States-issued driver's license or

28 identification number, alien registration number, government

29 passport number, employer or taxpayer identification number,

30 Medicaid or food stamp account number, bank account number,

31 credit or debit card number, or personal identification number

1 or code assigned to the holder of a debit card by the issuer
2 to permit authorized electronic use of such card, or any other
3 number or information that can be used to identify the person.

4 (b) Any personal identifying information contained in
5 records held by the Division of Licensing within the
6 Department of Agriculture and Consumer Services concerning a
7 person who has applied for or received a license to carry a
8 concealed weapon or firearm under s. 790.06 are confidential
9 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
10 Constitution, except as otherwise provided in this subsection.

11 (c) Information made confidential and exempt by this
12 subsection shall be disclosed:

13 1. With the express written consent of the applicant
14 or the applicant's legally authorized representative.

15 2. Upon the written request of a law enforcement
16 agency in connection with an ongoing investigation.

17 3. By court order upon a showing of good cause.

18 Section 2. Section 119.0712(3), Florida Statutes, is
19 subject to the Open Government Sunset Review Act in accordance
20 with s. 119.15, Florida Statutes, and shall stand repealed on
21 October 2, 2011, unless reviewed and saved from repeal through
22 reenactment by the Legislature.

23 Section 3. The Legislature finds that there is a
24 public necessity to exempt from public disclosure all personal
25 identifying information contained in records of the Division
26 of Licensing within the Department of Agriculture and Consumer
27 Services. The Legislature finds that it is good public policy
28 to provide safeguards to protect those persons who have
29 applied for or received a license to carry a concealed weapon
30 or firearm under chapter 790, Florida Statutes. The
31 Legislature further finds that the exemption for personal

1 identifying information is a public necessity in order to
2 protect information that is of a sensitive personal nature.
3 The private and confidential nature of personal identifying
4 information means that its release contravenes a person's
5 expectation of the right to privacy in all matters regarding
6 his or her personal information.

7 Section 4. This act shall take effect October 1, 2006.

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10 SENATE SUMMARY

11 Creates an exemption from public-records requirements for
12 information in records maintained by the Division of
13 Licensing within the Department of Agriculture and
14 Consumer Services filed by persons seeking a license to
15 carry a concealed firearm or weapon. Provides exceptions
16 to the exemption. Provides for future legislative review
17 and repeal. Provides findings of public necessity.
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