

A bill to be entitled

An act relating to public records; amending s. 119.0712, F.S.; providing an exemption from public records requirements for personal identifying information, names, addresses, birth dates, social security numbers, phone numbers, and license numbers contained in records maintained by the Division of Licensing of the Department of Agriculture and Consumer Services of individuals who have applied for or received a license to carry a concealed weapon or firearm; providing for disclosure of such information under specified conditions; providing for review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (3) is added to section 119.0712, Florida Statutes, to read:

119.0712 Executive branch agency-specific exemptions from inspection or copying of public records.--

(3) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.--All personal identifying information, names, addresses, birth dates, social security numbers, phone numbers, and license numbers contained in records maintained by the Division of Licensing of the Department of Agriculture and Consumer Services of individuals who have applied for or received a license to carry a concealed weapon or firearm pursuant to s. 790.06 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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29 Constitution, except as otherwise provided in this subsection.  
30 Information made confidential and exempt by this subsection  
31 shall be disclosed:

32 (a) With the express written consent of the individual  
33 applicant, licensee, or the individual's legally authorized  
34 representative.

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

36 (c) Upon request by law enforcement in the performance of  
37 their lawful duties.

38  
39 This subsection is subject to the Open Government Sunset Review  
40 Act in accordance with s. 119.15 and shall stand repealed on  
41 October 2, 2011, unless reviewed and saved from repeal through  
42 reenactment by the Legislature.

43 Section 2. The Legislature finds that the exemption from  
44 public records requirements provided by this act for all  
45 personal identifying information and license numbers contained  
46 in records maintained by the Division of Licensing of the  
47 Department of Agriculture and Consumer Services of individuals  
48 who have applied for or received a license to carry a concealed  
49 weapon or firearm pursuant to chapter 790, Florida Statutes, is  
50 a public necessity because this information can be used and has  
51 been used to identify individuals who have obtained a license to  
52 carry a concealed weapon or firearm for the purpose of then  
53 making the identity of such applicants and licenseholders  
54 publicly available via traditional media and on the Internet.  
55 The carrying of a concealed weapon in the state by members of  
56 the general public requires an individual to obtain a license

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57 from the Department of Agriculture and Consumer Services. The  
58 applicant for a license to carry a concealed weapon or firearm  
59 must state that he or she desires a legal means to carry a  
60 concealed weapon or firearm for lawful self-defense. The  
61 knowledge that someone has a license to carry a concealed weapon  
62 or firearm can very easily lead to the conclusion that the  
63 licenseholder has in fact armed himself or herself. As the  
64 Legislature has found in prior legislative sessions and has  
65 expressed in s. 790.335(1)(a)2., Florida Statutes, "a list,  
66 record, or registry of legally owned firearms or law-abiding  
67 firearm owners is not a law enforcement tool and can become an  
68 instrument for profiling, harassing, or abusing law-abiding  
69 citizens based on their choice to own a firearm and exercise  
70 their Second Amendment right to keep and bear arms as guaranteed  
71 under the United States Constitution. Further, such a list,  
72 record, or registry has the potential to fall into the wrong  
73 hands and become a shopping list for thieves." The Legislature  
74 also finds in s. 790.335(1)(a)3., Florida Statutes, that "a  
75 list, record, or registry of legally owned firearms or law-  
76 abiding firearm owners is not a tool for fighting terrorism, but  
77 rather is an instrument that can be used as a means to profile  
78 innocent citizens and to harass and abuse American citizens  
79 based solely on their choice to own firearms and exercise their  
80 Second Amendment right to keep and bear arms as guaranteed under  
81 the United States Constitution." The Legislature has in the past  
82 stated that it is the intent of the Legislature to protect the  
83 privacy rights of law-abiding firearm owners as well as to  
84 protect the right of individuals to keep and bear arms as

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85 guaranteed under both the Second Amendment to the United States  
86 Constitution and s. 8, Art. I of the State Constitution. Because  
87 no compilation of this information exists outside the Division  
88 of Licensing of the Department of Agriculture and Consumer  
89 Services, such a compilation would be of significant value to a  
90 person who might desire to profile, harass, steal from, harm, or  
91 abuse those who have a license to carry a concealed weapon or  
92 firearm. Consequently, the Legislature finds that personal  
93 identifying information and license numbers contained in records  
94 maintained by the Division of Licensing of the Department of  
95 Agriculture and Consumer Services of individuals who have  
96 applied for or received a license to carry a concealed weapon or  
97 firearm pursuant to chapter 790, Florida Statutes, must be held  
98 confidential and exempt from public records requirements.

99 Section 3. This act shall take effect July 1, 2006.