

HB 687

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CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

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6 A bill to be entitled
7 An act relating to public records; creating s. 790.0601,
8 F.S.; creating an exemption from public records
9 requirements for certain personal identifying information
10 held by the Division of Licensing of the Department of
11 Agriculture and Consumer Services; providing for
12 retroactive application of the exemption; providing for
13 disclosure of such information under specified conditions;
14 providing for review and repeal; providing a statement of
15 public necessity; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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

21 790.0601 Public records exemption for concealed weapons.--
22 (1) Personal identifying information of an individual who
23 has applied for or received a license to carry a concealed

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24 weapon or firearm pursuant to s. 790.06 held by the Division of
25 Licensing of the Department of Agriculture and Consumer Services
26 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
27 I of the State Constitution. This exemption applies to such
28 information held by the division before, on, or after the
29 effective date of this section.

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

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

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

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

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38 Review Act in accordance with s. 119.15 and shall stand repealed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

41 Section 2. The Legislature finds that it is a public
42 necessity that the personal identifying information of an
43 individual who has applied for or received a license to carry a
44 concealed weapon or firearm held by the Division of Licensing of
45 the Department of Agriculture and Consumer Services be made
46 confidential and exempt from public records requirements, with
47 certain exceptions. The carrying of a concealed weapon in the
48 state by members of the general public requires an individual to
49 obtain a license from the Department of Agriculture and Consumer
50 Services. The applicant for a license to carry a concealed
51 weapon or firearm must state that he or she seeks a concealed

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52 | weapon or firearms license as a means of lawful self-defense.
53 | The knowledge that someone has applied for or received a license
54 | to carry a concealed weapon or firearm can very easily lead to
55 | the conclusion that the applicant or licensee has in fact armed
56 | himself or herself. This knowledge defeats the purpose behind
57 | the authorization to carry a concealed weapon or firearm. If the
58 | applicant or licensee had intended for the general public to
59 | know he or she was carrying a weapon or firearm, he or she would
60 | have applied for a regular weapon or firearms permit rather than
61 | a license to carry a concealed weapon or firearm. The
62 | Legislature has found in prior legislative sessions and has
63 | expressed in s. 790.335(1)(a)3., Florida Statutes, that a record
64 | of legally owned firearms or law-abiding firearm owners is "an
65 | instrument that can be used as a means to profile innocent
66 | citizens and to harass and abuse American citizens based solely
67 | on their choice to own firearms and exercise their Second
68 | Amendment right to keep and bear arms as guaranteed under the
69 | United States Constitution." Release of personal identifying
70 | information of an individual who has applied for or received a
71 | license to carry a concealed weapon or firearm could be used to
72 | harass an innocent person based solely on that person's
73 | exercised right to carry a concealed weapon or firearm. Further,
74 | such information could be used and has been used to identify
75 | individuals who have obtained a license to carry a concealed
76 | weapon or firearm for the purpose of making the identity of the
77 | applicant or licensee publicly available via traditional media
78 | and the Internet. Once again, such public disclosure contradicts
79 | the purpose of carrying a concealed weapon or firearm.

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80 Therefore, the Legislature finds that the personal identifying
81 information of an individual who has applied for or received a
82 license to carry a concealed weapon or firearm pursuant to
83 chapter 790, Florida Statutes, must be held confidential and
84 exempt from public records requirements.

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