

HB 687 CS

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CS

## CHAMBER ACTION

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1 The State Administration Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public records; creating s. 790.0601,  
7 F.S.; creating an exemption from public records  
8 requirements for certain personal identifying information  
9 held by the Division of Licensing of the Department of  
10 Agriculture and Consumer Services; providing for  
11 retroactive application of the exemption; providing for  
12 disclosure of such information under specified conditions;  
13 providing that a commercial entity that releases  
14 confidential and exempt information to an entity other  
15 than a law enforcement agency or a federal homeland  
16 security agency shall be subject to a fine; providing for  
17 enforcement with respect to such fines; providing for  
18 deposit of such fines; providing for review and repeal;  
19 providing a statement of public necessity; providing an  
20 effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

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

26 790.0601 Public records exemption for concealed weapons.--

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

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

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

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

40 (c) Upon request by a law enforcement agency in connection  
41 with the performance of lawful duties, which shall include  
42 access to any automated database containing such information  
43 maintained by the Department of Agriculture and Consumer  
44 Services.

45 (d)1. To a commercial entity, provided that the  
46 information will only be used to support law enforcement  
47 agencies or federal homeland security agencies in connection  
48 with the performance of their lawful duties.

49 2. Any commercial entity that violates subparagraph 1. by  
50 releasing information made confidential and exempt by this  
51 section to an entity other than a law enforcement agency or a

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52 federal homeland security agency shall be subject to a fine of  
53 \$5 million, enforceable by the Department of Legal Affairs of  
54 the Office of the Attorney General and payable in equal amounts  
55 to the Law Enforcement Trust Fund within the Department of  
56 Agriculture and Consumer Services and the Law Enforcement Trust  
57 Fund within the Department of Law Enforcement.

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

62 Section 2. The Legislature finds that it is a public  
63 necessity that the personal identifying information of an  
64 individual who has applied for or received a license to carry a  
65 concealed weapon or firearm held by the Division of Licensing of  
66 the Department of Agriculture and Consumer Services be made  
67 confidential and exempt from public records requirements, with  
68 certain exceptions. The carrying of a concealed weapon in the  
69 state by members of the general public requires an individual to  
70 obtain a license from the Department of Agriculture and Consumer  
71 Services. The applicant for a license to carry a concealed  
72 weapon or firearm must state that he or she seeks a concealed  
73 weapon or firearms license as a means of lawful self-defense.  
74 The knowledge that someone has applied for or received a license  
75 to carry a concealed weapon or firearm can very easily lead to  
76 the conclusion that the applicant or licensee has in fact armed  
77 himself or herself. This knowledge defeats the purpose behind  
78 the authorization to carry a concealed weapon or firearm. If the  
79 applicant or licensee had intended for the general public to

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80 know he or she was carrying a weapon or firearm, he or she would  
81 have applied for a regular weapon or firearms permit rather than  
82 a license to carry a concealed weapon or firearm. The  
83 Legislature has found in prior legislative sessions and has  
84 expressed in s. 790.335(1)(a)3., Florida Statutes, that a record  
85 of legally owned firearms or law-abiding firearm owners is "an  
86 instrument that can be used as a means to profile innocent  
87 citizens and to harass and abuse American citizens based solely  
88 on their choice to own firearms and exercise their Second  
89 Amendment right to keep and bear arms as guaranteed under the  
90 United States Constitution." Release of personal identifying  
91 information of an individual who has applied for or received a  
92 license to carry a concealed weapon or firearm could be used to  
93 harass an innocent person based solely on that person's  
94 exercised right to carry a concealed weapon or firearm. Further,  
95 such information could be used and has been used to identify  
96 individuals who have obtained a license to carry a concealed  
97 weapon or firearm for the purpose of making the identity of the  
98 applicant or licensee publicly available via traditional media  
99 and the Internet. Once again, such public disclosure contradicts  
100 the purpose of carrying a concealed weapon or firearm.  
101 Therefore, the Legislature finds that the personal identifying  
102 information of an individual who has applied for or received a  
103 license to carry a concealed weapon or firearm pursuant to  
104 chapter 790, Florida Statutes, must be held confidential and  
105 exempt from public records requirements.

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