

ENROLLED
 HB 687, Engrossed 1

2006 Legislature

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

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 790.0601, Florida Statutes, is created
 15 to read:

16 790.0601 Public records exemption for concealed weapons.--

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

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

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27 | (a) With the express written consent of the applicant or
28 | licensee or his or her legally authorized representative.

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

30 | (c) Upon request by a law enforcement agency in connection
31 | with the performance of lawful duties, which shall include
32 | access to any automated database containing such information
33 | maintained by the Department of Agriculture and Consumer
34 | Services.

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36 | Review Act in accordance with s. 119.15 and shall stand repealed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

39 | Section 2. The Legislature finds that it is a public
40 | necessity that the personal identifying information of an
41 | individual who has applied for or received a license to carry a
42 | concealed weapon or firearm held by the Division of Licensing of
43 | the Department of Agriculture and Consumer Services be made
44 | confidential and exempt from public records requirements, with
45 | certain exceptions. The carrying of a concealed weapon in the
46 | state by members of the general public requires an individual to
47 | obtain a license from the Department of Agriculture and Consumer
48 | Services. The applicant for a license to carry a concealed
49 | weapon or firearm must state that he or she seeks a concealed
50 | weapon or firearms license as a means of lawful self-defense.
51 | The knowledge that someone has applied for or received a license
52 | to carry a concealed weapon or firearm can very easily lead to
53 | the conclusion that the applicant or licensee has in fact armed

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

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81 | chapter 790, Florida Statutes, must be held confidential and
82 | exempt from public records requirements.

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