

**By** the Committee on Governmental Oversight and Accountability;  
and Senators Simpson, Bean, and Bradley

585-02541-14

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       790.0601, F.S.; creating an exemption from public  
4       records requirements for certain personal identifying  
5       information held by the tax collector when an  
6       individual applies for a license to carry a concealed  
7       weapon or firearm pursuant to s. 790.06, F.S.;  
8       providing for retroactive application of the  
9       exemption; providing for disclosure of such  
10      information under specified conditions; providing for  
11      review and repeal of the exemption; providing a  
12      statement of public necessity; providing a conditional  
13      effective date.

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

16  
17       Section 1. Section 790.0601, Florida Statutes, is amended  
18      to read:

19       790.0601 Public records exemption for concealed weapons.—

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

28       (2) Personal identifying information of an individual who  
29      has applied for a license to carry a concealed weapon or firearm

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30 pursuant to s. 790.0625 which is held by a tax collector  
31 appointed by the Department of Agriculture and Consumer Services  
32 to receive applications and fees is confidential and exempt from  
33 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
34 This exemption applies to such information held by the tax  
35 collector before, on, or after the effective date of this  
36 section.

37 (3)~~(2)~~ Information made confidential and exempt by this  
38 section shall be disclosed:

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

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

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

47 (4) Subsection (2) is subject to the Open Government Sunset  
48 Review Act in accordance with s. 119.15 and shall stand repealed  
49 on October 2, 2019, unless reviewed and saved from repeal  
50 through reenactment by the Legislature.

51 Section 2. (1) The Legislature finds that, with certain  
52 exceptions, it is a public necessity that personal identifying  
53 information of an individual who has applied for a license to  
54 carry a concealed weapon or firearm which is held by a tax  
55 collector be made confidential and exempt from public records  
56 requirements. The carrying of a concealed weapon or firearm in  
57 this state by members of the general public requires an  
58 individual to file an application containing personal

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59 identifying information. The Legislature has made the Department  
60 of Agriculture and Consumer Services the responsible agency for  
61 collecting this information and issuing the concealed weapon or  
62 firearm license. The collected information must include a  
63 statement from the applicant that he or she seeks a concealed  
64 weapon or firearm license as a means of lawful self-defense.

65 (2) There has been substantial demand for the concealed  
66 weapon or firearm license. The availability of additional  
67 licensure locations would benefit individuals who require self-  
68 protection.

69 (3) The potential addition of licensure locations raises  
70 issues of confidentiality. The knowledge that an individual has  
71 applied for a license to carry a concealed weapon or firearm may  
72 logically lead to the conclusion that he or she is carrying a  
73 concealed weapon or firearm. This defeats the purpose of  
74 carrying a concealed weapon or firearm. The Legislature has  
75 found in past legislative sessions and has expressed in s.  
76 790.335(1)(a)3., Florida Statutes, that a record of legally  
77 owned firearms or law-abiding firearm owners is "an instrument  
78 that can be used as a means to profile innocent citizens and to  
79 harass and abuse American citizens based solely on their choice  
80 to own firearms and exercise their Second Amendment right to  
81 keep and bear arms as guaranteed under the United States  
82 Constitution." Release of personal identifying information of an  
83 individual who has applied for a license to carry a concealed  
84 weapon or firearm could be used to harass an innocent individual  
85 based solely on his or her exercised right to carry a concealed  
86 weapon or firearm. Therefore, the Legislature finds that the  
87 personal identifying information of an individual who has

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88 applied for a license to carry a concealed weapon or firearm  
89 pursuant to chapter 790, Florida Statutes, must be held  
90 confidential and exempt from public records requirements.

91 Section 3. This act shall take effect on the same date that  
92 SB 544 or similar legislation takes effect, if such legislation  
93 is adopted in the same legislative session or an extension  
94 thereof and becomes a law.