Florida Senate - 2006

 ${\bf By}$ the Committee on Commerce and Consumer Services; and Senators Haridopolos and Crist

577-1804-06 1 A bill to be entitled 2 An act relating to public records; creating s. 3 790.0601, F.S.; creating an exemption from 4 public-records requirements for certain 5 personal identifying information held by the б Division of Licensing of the Department of 7 Agriculture and Consumer Services; providing 8 for retroactive application of the exemption; 9 providing for disclosure of such information 10 under specified conditions; providing for review and repeal under the Open Government 11 12 Sunset Review Act; providing a statement of 13 public necessity; providing an effective date. 14 Be It Enacted by the Legislature of the State of Florida: 15 16 17 Section 1. Section 790.0601, Florida Statutes, is 18 created to read: 790.0601 Public-records exemption for concealed 19 20 weapons.--21 (1) Personal identifying information of an individual who has applied for or received a license to carry a concealed 22 23 weapon or firearm pursuant to s. 790.06 and which is held by the Division of Licensing of the Department of Agriculture and 2.4 Consumer Services is confidential and exempt from s. 119.07(1) 25 26 and s. 24(a), Art. I of the State Constitution. This exemption 27 applies to such information held by the division before, on, 2.8 or after October 1, 2006. (2) Information made confidential and exempt by this 29 section shall be disclosed: 30 31

1

CODING: Words stricken are deletions; words underlined are additions.

1	(a) With the express written consent of the applicant
2	or licensee or his or her legally authorized representative.
3	(b) By court order upon a showing of good cause.
4	(c) Upon written request by a law enforcement agency
5	in connection with an active criminal investigation.
6	(3) This section is subject to the Open Government
7	Sunset Review Act in accordance with s. 119.15 and shall stand
8	repealed on October 2, 2011, unless reviewed and saved from
9	repeal through reenactment by the Legislature.
10	Section 2. The Legislature finds that it is a public
11	necessity that the personal identifying information of an
12	individual who has applied for or received a license to carry
13	a concealed weapon or firearm and which is held by the
14	Division of Licensing of the Department of Agriculture and
15	Consumer Services be made confidential and exempt from
16	public-records requirements, with certain exceptions. The
17	carrying of a concealed weapon in the state by members of the
18	general public requires an individual to obtain a license from
19	the Department of Agriculture and Consumer Services. The
20	applicant for a license to carry a concealed weapon or firearm
21	must state that he or she seeks a concealed weapon or firearms
22	license as a means of lawful self-defense. The knowledge that
23	someone has applied for or received a license to carry a
24	concealed weapon or firearm can very easily lead to the
25	conclusion that the applicant or licensee has in fact armed
26	himself or herself. This knowledge defeats the purpose behind
27	the authorization to carry a concealed weapon or firearm. If
28	the applicant or licensee had intended for the general public
29	to know he or she was carrying a weapon or firearm then he or
30	<u>she only would have applied for a reqular weapon or firearms</u>
31	permit. The Legislature has found in prior legislative

2

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1	sessions and has expressed in s. 790.335(1)(a)3., Florida
2	Statutes, that "a record of legally owned firearms
3	or law-abiding firearm owners is an instrument that can
4	be used as a means to profile innocent citizens and to harass
5	and abuse American citizens based solely on their choice to
б	own firearms and exercise their Second Amendment right to keep
7	and bear arms as quaranteed under the United States
8	Constitution." Release of personal identifying information of
9	an individual who has applied for or received a license to
10	carry a concealed weapon or firearm could be used to harass an
11	innocent person based solely on that person's exercised right
12	to carry a concealed weapon or firearm. Furthermore, such
13	information could be used and has been used to identify
14	individuals who have obtained a license to carry a concealed
15	weapon or firearm for the purpose of making the identity of
16	the applicant or licensee publicly available via traditional
17	media and the Internet. Once again, such release contradicts
18	the purpose of carrying a concealed weapon or firearm. As
19	such, the Legislature finds that the personal identifying
20	information of an individual who has applied for or received a
21	license to carry a concealed weapon or firearm pursuant to
22	chapter 790, Florida Statutes, must be held confidential and
23	exempt from public-records requirements.
24	Section 3. This act shall take effect October 1, 2006.
25	
26	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
27	Senate Bill 1162
28	
29	This committee substitute differs from the bill as filed in
30	that it transfers the proposed exemption from ch. 119 to ch. 790, F.S., removes from the proposed exemption information that is exempt under current law, and conforms the public
31	necessity statement to the proposed exemption.
	3

CODING: Words stricken are deletions; words <u>underlined</u> are additions.