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CS/HB 525

2014 Legislature

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 2 An act relating to public records; amending s.
 3 790.0601, F.S.; providing 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 legislative review and repeal of the exemption;
 12 providing a statement of public necessity; providing a
 13 contingent effective date.

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

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 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

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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
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 subsection.

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
48 Sunset Review Act in accordance with s. 119.15 and shall stand
49 repealed on October 2, 2019, unless reviewed and saved from
50 repeal 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

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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
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

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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
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
92 that HB 523 or similar legislation takes effect, if such
93 legislation is adopted in the same legislative session or an
94 extension thereof and becomes a law.