

CHAPTER 2014-206

Committee Substitute for House Bill No. 525

An act relating to public records; amending s. 790.0601, F.S.; providing an exemption from public records requirements for certain personal identifying information held by the tax collector when an individual applies for a license to carry a concealed weapon or firearm pursuant to s. 790.06, F.S.; providing for retroactive application of the exemption; providing for disclosure of such information under specified conditions; providing for legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

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

790.0601 Public records exemption for concealed weapons.—

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

(2) Personal identifying information of an individual who has applied for a license to carry a concealed weapon or firearm pursuant to s. 790.0625 which is held by a tax collector appointed by the Department of Agriculture and Consumer Services to receive applications and fees is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such information held by the tax collector before, on, or after the effective date of this subsection.

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

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

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

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

(4) Subsection (2) is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019,

unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that, with certain exceptions, it is a public necessity that personal identifying information of an individual who has applied for a license to carry a concealed weapon or firearm which is held by a tax collector be made confidential and exempt from public records requirements. The carrying of a concealed weapon or firearm in this state by members of the general public requires an individual to file an application containing personal identifying information. The Legislature has made the Department of Agriculture and Consumer Services the responsible agency for collecting this information and issuing the concealed weapon or firearm license. The collected information must include a statement from the applicant that he or she seeks a concealed weapon or firearm license as a means of lawful self-defense.

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

(3) The potential addition of licensure locations raises issues of confidentiality. The knowledge that an individual has applied for a license to carry a concealed weapon or firearm may logically lead to the conclusion that he or she is carrying a concealed weapon or firearm. This defeats the purpose of carrying a concealed weapon or firearm. The Legislature has found in past legislative sessions and has expressed in s. 790.335(1)(a)3., Florida Statutes, that a record of legally owned firearms or law-abiding firearm owners is “an instrument that can be used as a means to profile innocent citizens and to harass and abuse American citizens based solely on their choice to own firearms and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution.” Release of personal identifying information of an individual who has applied for a license to carry a concealed weapon or firearm could be used to harass an innocent individual based solely on his or her exercised right to carry a concealed weapon or firearm. Therefore, the Legislature finds that the personal identifying information of an individual who has applied for a license to carry a concealed weapon or firearm pursuant to chapter 790, Florida Statutes, must be held confidential and exempt from public records requirements.

Section 3. This act shall take effect on the same date that HB 523 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.