

## House Bill No. 687

An act relating to public records; creating s. 790.0601, F.S.; creating an exemption from public records requirements for certain personal identifying information held by the Division of Licensing of the Department of Agriculture and Consumer Services; providing for retroactive application of the exemption; providing for disclosure of such information under specified conditions; providing for review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 790.0601, Florida Statutes, is created 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) 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.

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the personal identifying information of an individual who has applied for or received a license to carry a concealed weapon or firearm held by the Division of Licensing of the Department of Agriculture and Consumer Services be made confidential and exempt from public records requirements, with certain exceptions. The carrying of a concealed weapon in the state by members of the general public requires an individual to obtain a license from the Department of Agriculture and Consumer Services. The applicant for a

license to carry a concealed weapon or firearm must state that he or she seeks a concealed weapon or firearms license as a means of lawful self-defense. The knowledge that someone has applied for or received a license to carry a concealed weapon or firearm can very easily lead to the conclusion that the applicant or licensee has in fact armed himself or herself. This knowledge defeats the purpose behind the authorization to carry a concealed weapon or firearm. If the applicant or licensee had intended for the general public to know he or she was carrying a weapon or firearm, he or she would have applied for a regular weapon or firearms permit rather than a license to carry a concealed weapon or firearm. The Legislature has found in prior 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 or received a license to carry a concealed weapon or firearm could be used to harass an innocent person based solely on that person’s exercised right to carry a concealed weapon or firearm. Further, such information could be used and has been used to identify individuals who have obtained a license to carry a concealed weapon or firearm for the purpose of making the identity of the applicant or licensee publicly available via traditional media and the Internet. Once again, such public disclosure contradicts the purpose of carrying a concealed weapon or firearm. Therefore, the Legislature finds that the personal identifying information of an individual who has applied for or received 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 July 1, 2006.

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.