

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-2324-02

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A bill to be entitled
An act relating to governmental reorganization;
transferring the Division of Licensing of the
Department of State to the Department of
Agriculture and Consumer Services; amending s.
20.10, F.S.; conforming provisions; amending s.
20.14, F.S.; creating the Division of Licensing
in the Department of Agriculture and Consumer
Services; amending ss. 493.6101, 493.6104,
493.6108, 493.6109, 493.6112, 493.6121, 790.06,
F.S.; redesignating the department with
regulatory responsibilities; providing an
effective date.

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

Section 1. Pursuant to section 20.06(2), Florida Statutes, the Division of Licensing of the Department of State is transferred by a type two transfer to the Department of Agriculture and Consumer Services and reestablished as a division within that department. Notwithstanding the provisions of section 20.06(2)(b), Florida Statutes, the Commissioner of Agriculture is not authorized to reconfigure the division or its units or subunits, or to modify its structure, duties, programs, activities, or functions, or to reassign any funds from any trust fund supporting those duties, programs, activities, or functions.

Section 2. Subsection (2) of section 20.10, Florida Statutes, is amended to read:

20.10 Department of State.--There is created a Department of State.

1 (2) The following divisions of the Department of State
2 are established:

3 (a) Division of Elections.

4 (b) Division of Historical Resources.

5 (c) Division of Corporations.

6 (d) Division of Library and Information Services.

7 ~~(e) Division of Licensing.~~

8 (e)~~(f)~~ Division of Cultural Affairs.

9 (f)~~(g)~~ Division of Administration.

10 Section 3. Subsection (2) of section 20.14, Florida
11 Statutes, is amended to read:

12 20.14 Department of Agriculture and Consumer
13 Services.--There is created a Department of Agriculture and
14 Consumer Services.

15 (2) The following divisions of the Department of
16 Agriculture and Consumer Services are established:

17 (a) Administration.

18 (b) Agricultural Environmental Services.

19 (c) Animal Industry.

20 (d) Aquaculture.

21 (e) Consumer Services.

22 (f) Dairy Industry.

23 (g) Food Safety.

24 (h) Forestry.

25 (i) Fruit and Vegetables.

26 (j) Licensing.

27 (k)~~(j)~~ Marketing and Development.

28 (l)~~(k)~~ Plant Industry.

29 (m)~~(l)~~ Standards.

30 Section 4. Subsection (1) of section 493.6101, Florida
31 Statutes, is amended to read:

1 493.6101 Definitions.--

2 (1) "Department" means the Department of Agriculture
3 and Consumer Services State.

4 Section 5. Subsection (2) of section 493.6104, Florida
5 Statutes, is amended to read:

6 493.6104 Advisory council.--

7 (2) Council members shall be appointed by the
8 Commissioner of Agriculture ~~Secretary of State~~ for a 4-year
9 term. In the event of an appointment to fill an unexpired
10 term, the appointment shall be for no longer than the
11 remainder of the unexpired term. No member may serve more than
12 two full consecutive terms. Members may be removed by the
13 Commissioner of Agriculture ~~Secretary of State~~ for cause.
14 Cause shall include, but is not limited to, absences from two
15 consecutive meetings.

16 Section 6. Section 493.6108, Florida Statutes, is
17 amended to read:

18 493.6108 Investigation of applicants by Department of
19 Agriculture and Consumer Services State.--

20 (1) Except as otherwise provided, prior to the
21 issuance of a license under this chapter, the department shall
22 make an investigation of the applicant for a license. The
23 investigation shall include:

24 (a)1. An examination of fingerprint records and police
25 records. When a criminal history analysis of any applicant
26 under this chapter is performed by means of fingerprint card
27 identification, the time limitations prescribed by s.
28 120.60(1) shall be tolled during the time the applicant's
29 fingerprint card is under review by the Department of Law
30 Enforcement or the United States Department of Justice,
31 Federal Bureau of Investigation.

1 2. If a legible set of fingerprints, as determined by
2 the Department of Law Enforcement or the Federal Bureau of
3 Investigation, cannot be obtained after two attempts, the
4 Department of Agriculture and Consumer Services ~~State~~ may
5 determine the applicant's eligibility based upon a criminal
6 history record check under the applicant's name conducted by
7 the Department of Law Enforcement and the Federal Bureau of
8 Investigation. A set of fingerprints taken by a law
9 enforcement agency and a written statement signed by the
10 fingerprint technician or a licensed physician stating that
11 there is a physical condition that precludes obtaining a
12 legible set of fingerprints or that the fingerprints taken are
13 the best that can be obtained is sufficient to meet this
14 requirement.

15 (b) An inquiry to determine if the applicant has been
16 adjudicated incompetent under chapter 744 or has been
17 committed to a mental institution under chapter 394.

18 (c) Such other investigation of the individual as the
19 department may deem necessary.

20 (2) In addition to subsection (1), the department
21 shall make an investigation of the general physical fitness of
22 the Class "G" applicant to bear a weapon or firearm.
23 Determination of physical fitness shall be certified by a
24 physician currently licensed pursuant to chapter 458, chapter
25 459, or any similar law of another state or authorized to act
26 as a licensed physician by a federal agency or department.
27 Such certification shall be submitted on a form provided by
28 the department.

29 (3) The department shall also investigate the mental
30 history and current mental and emotional fitness of any Class
31

1 "G" applicant, and may deny a Class "G" license to anyone who
2 has a history of mental illness or drug or alcohol abuse.

3 Section 7. Subsection (2) of section 493.6109, Florida
4 Statutes, is amended to read:

5 493.6109 Reciprocity.--

6 (2) The rules authorized in subsection (1) may be
7 promulgated only if:

8 (a) The other state or territory has requirements
9 which are substantially similar to or greater than those
10 established in this chapter.

11 (b) The applicant has engaged in licensed activities
12 for at least 1 year in the other state or territory with no
13 disciplinary action against him or her.

14 (c) The Commissioner of Agriculture ~~Secretary of State~~
15 or other appropriate authority of the other state or territory
16 agrees to accept service of process for those licensees who
17 are operating in this state on a temporary basis.

18 Section 8. Section 493.6112, Florida Statutes, is
19 amended to read:

20 493.6112 Notification to Department of Agriculture and
21 Consumer Services ~~State~~ of changes of partner or officer or
22 employees.--

23 (1) After filing the application, unless the
24 department declines to issue the license or revokes it after
25 issuance, an agency or school shall, within 5 working days of
26 the withdrawal, removal, replacement, or addition of any or
27 all partners or officers, notify and file with the department
28 complete applications for such individuals. The agency's or
29 school's good standing under this chapter shall be contingent
30 upon the department's approval of any new partner or officer.
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1 (2) Each agency or school shall, upon the employment
2 or termination of employment of a licensee, report such
3 employment or termination immediately to the department and,
4 in the case of a termination, report the reason or reasons
5 therefor. The report shall be on a form prescribed by the
6 department.

7 Section 9. Subsection (7) of section 493.6121, Florida
8 Statutes, is amended to read:

9 493.6121 Enforcement; investigation.--

10 (7) The Department of Legal Affairs shall represent
11 the Department of Agriculture and Consumer Services ~~State~~ in
12 judicial proceedings seeking enforcement of this chapter, or
13 upon an action by any party seeking redress against the
14 department, and shall coordinate with the department in the
15 conduct of any investigations incident to its legal
16 responsibility.

17 Section 10. Section 790.06, Florida Statutes, is
18 amended to read:

19 790.06 License to carry concealed weapon or firearm.--

20 (1) The Department of Agriculture and Consumer
21 Services ~~State~~ is authorized to issue licenses to carry
22 concealed weapons or concealed firearms to persons qualified
23 as provided in this section. Each such license must bear a
24 color photograph of the licensee. For the purposes of this
25 section, concealed weapons or concealed firearms are defined
26 as a handgun, electronic weapon or device, tear gas gun,
27 knife, or billie, but the term does not include a machine gun
28 as defined in s. 790.001(9). Such licenses shall be valid
29 throughout the state for a period of 5 years from the date of
30 issuance. Any person in compliance with the terms of such
31 license may carry a concealed weapon or concealed firearm

1 notwithstanding the provisions of s. 790.01. The licensee must
2 carry the license, together with valid identification, at all
3 times in which the licensee is in actual possession of a
4 concealed weapon or firearm and must display both the license
5 and proper identification upon demand by a law enforcement
6 officer. Violations of the provisions of this subsection shall
7 constitute a noncriminal violation with a penalty of \$25,
8 payable to the clerk of the court.

9 (2) The Department of Agriculture and Consumer
10 Services ~~State~~ shall issue a license if the applicant:

11 (a) Is a resident of the United States or is a
12 consular security official of a foreign government that
13 maintains diplomatic relations and treaties of commerce,
14 friendship, and navigation with the United States and is
15 certified as such by the foreign government and by the
16 appropriate embassy in this country;

17 (b) Is 21 years of age or older;

18 (c) Does not suffer from a physical infirmity which
19 prevents the safe handling of a weapon or firearm;

20 (d) Is not ineligible to possess a firearm pursuant to
21 s. 790.23 by virtue of having been convicted of a felony;

22 (e) Has not been committed for the abuse of a
23 controlled substance or been found guilty of a crime under the
24 provisions of chapter 893 or similar laws of any other state
25 relating to controlled substances within a 3-year period
26 immediately preceding the date on which the application is
27 submitted;

28 (f) Does not chronically and habitually use alcoholic
29 beverages or other substances to the extent that his or her
30 normal faculties are impaired. It shall be presumed that an
31 applicant chronically and habitually uses alcoholic beverages

1 or other substances to the extent that his or her normal
2 faculties are impaired if the applicant has been committed
3 under chapter 397 or under the provisions of former chapter
4 396 or has been convicted under s. 790.151 or has been deemed
5 a habitual offender under s. 856.011(3), or has had two or
6 more convictions under s. 316.193 or similar laws of any other
7 state, within the 3-year period immediately preceding the date
8 on which the application is submitted;

9 (g) Desires a legal means to carry a concealed weapon
10 or firearm for lawful self-defense;

11 (h) Demonstrates competence with a firearm by any one
12 of the following:

13 1. Completion of any hunter education or hunter safety
14 course approved by the Fish and Wildlife Conservation
15 Commission or a similar agency of another state;

16 2. Completion of any National Rifle Association
17 firearms safety or training course;

18 3. Completion of any firearms safety or training
19 course or class available to the general public offered by a
20 law enforcement, junior college, college, or private or public
21 institution or organization or firearms training school,
22 utilizing instructors certified by the National Rifle
23 Association, Criminal Justice Standards and Training
24 Commission, or the Department of State;

25 4. Completion of any law enforcement firearms safety
26 or training course or class offered for security guards,
27 investigators, special deputies, or any division or
28 subdivision of law enforcement or security enforcement;

29 5. Presents evidence of equivalent experience with a
30 firearm through participation in organized shooting
31 competition or military service;

1 6. Is licensed or has been licensed to carry a firearm
2 in this state or a county or municipality of this state,
3 unless such license has been revoked for cause; or

4 7. Completion of any firearms training or safety
5 course or class conducted by a state-certified or National
6 Rifle Association certified firearms instructor;

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8 A photocopy of a certificate of completion of any of the
9 courses or classes; or an affidavit from the instructor,
10 school, club, organization, or group that conducted or taught
11 said course or class attesting to the completion of the course
12 or class by the applicant; or a copy of any document which
13 shows completion of the course or class or evidences
14 participation in firearms competition shall constitute
15 evidence of qualification under this paragraph; any person who
16 conducts a course pursuant to subparagraph 2., subparagraph
17 3., or subparagraph 7., or who, as an instructor, attests to
18 the completion of such courses, must maintain records
19 certifying that he or she observed the student safely handle
20 and discharge the firearm;

21 (i) Has not been adjudicated an incapacitated person
22 under s. 744.331, or similar laws of any other state, unless 5
23 years have elapsed since the applicant's restoration to
24 capacity by court order;

25 (j) Has not been committed to a mental institution
26 under chapter 394, or similar laws of any other state, unless
27 the applicant produces a certificate from a licensed
28 psychiatrist that he or she has not suffered from disability
29 for at least 5 years prior to the date of submission of the
30 application;

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1 (k) Has not had adjudication of guilt withheld or
2 imposition of sentence suspended on any felony or misdemeanor
3 crime of domestic violence unless 3 years have elapsed since
4 probation or any other conditions set by the court have been
5 fulfilled, or the record has been sealed or expunged;

6 (1) Has not been issued an injunction that is
7 currently in force and effect and that restrains the applicant
8 from committing acts of domestic violence or acts of repeat
9 violence; and

10 (m) Is not prohibited from purchasing or possessing a
11 firearm by any other provision of Florida or federal law.

12 (3) The Department of Agriculture and Consumer
13 Services ~~State~~ shall deny a license if the applicant has been
14 found guilty of, had adjudication of guilt withheld for, or
15 had imposition of sentence suspended for one or more crimes of
16 violence constituting a misdemeanor, unless 3 years have
17 elapsed since probation or any other conditions set by the
18 court have been fulfilled or the record has been sealed or
19 expunged. The Department of Agriculture and Consumer Services
20 ~~State~~ shall revoke a license if the licensee has been found
21 guilty of, had adjudication of guilt withheld for, or had
22 imposition of sentence suspended for one or more crimes of
23 violence within the preceding 3 years. The department shall,
24 upon notification by a law enforcement agency, a court, or the
25 Florida Department of Law Enforcement and subsequent written
26 verification, suspend a license or the processing of an
27 application for a license if the licensee or applicant is
28 arrested or formally charged with a crime that would
29 disqualify such person from having a license under this
30 section, until final disposition of the case. The department
31 shall suspend a license or the processing of an application

1 for a license if the licensee or applicant is issued an
2 injunction that restrains the licensee or applicant from
3 committing acts of domestic violence or acts of repeat
4 violence.

5 (4) The application shall be completed, under oath, on
6 a form promulgated by the Department of Agriculture and
7 Consumer Services ~~State~~ and shall include:

8 (a) The name, address, place and date of birth, race,
9 and occupation of the applicant;

10 (b) A statement that the applicant is in compliance
11 with criteria contained within subsections (2) and (3);

12 (c) A statement that the applicant has been furnished
13 a copy of this chapter and is knowledgeable of its provisions;

14 (d) A conspicuous warning that the application is
15 executed under oath and that a false answer to any question,
16 or the submission of any false document by the applicant,
17 subjects the applicant to criminal prosecution under s.
18 837.06; and

19 (e) A statement that the applicant desires a concealed
20 weapon or firearms license as a means of lawful self-defense.

21 (5) The applicant shall submit to the Department of
22 Agriculture and Consumer Services ~~State~~:

23 (a) A completed application as described in subsection
24 (4).

25 (b) A nonrefundable license fee not to exceed \$85, if
26 he or she has not previously been issued a statewide license,
27 or a nonrefundable license fee not to exceed \$70 for renewal
28 of a statewide license. Costs for processing the set of
29 fingerprints as required in paragraph (c) shall be borne by
30 the applicant. However, an individual holding an active
31 certification from the Criminal Justice Standards and Training

1 Commission as a "law enforcement officer," "correctional
2 officer," or "correctional probation officer" as defined in s.
3 943.10(1), (2), (3), (6), (7), (8), or (9) is exempt from the
4 licensing requirements of this section. If any individual
5 holding an active certification from the Criminal Justice
6 Standards and Training Commission as a "law enforcement
7 officer," a "correctional officer," or a "correctional
8 probation officer" as defined in s. 943.10(1), (2), (3), (6),
9 (7), (8), or (9) wishes to receive a concealed weapons or
10 firearms license, such person is exempt from the background
11 investigation and all background investigation fees, but shall
12 pay the current license fees regularly required to be paid by
13 nonexempt applicants. Further, a law enforcement officer, a
14 correctional officer, or a correctional probation officer as
15 defined in s. 943.10(1), (2), or (3) is exempt from the
16 required fees and background investigation for a period of 1
17 year subsequent to the date of retirement of said officer as a
18 law enforcement officer, a correctional officer, or a
19 correctional probation officer.

20 (c) A full set of fingerprints of the applicant
21 administered by a law enforcement agency.

22 (d) A photocopy of a certificate or an affidavit or
23 document as described in paragraph (2)(h).

24 (e) A full frontal view color photograph of the
25 applicant taken within the preceding 30 days, in which the
26 head, including hair, measures $\frac{7}{8}$ of an inch wide and $1\frac{1}{8}$
27 inches high.

28 (6)(a) The Department of Agriculture and Consumer
29 Services ~~State~~, upon receipt of the items listed in subsection
30 (5), shall forward the full set of fingerprints of the
31 applicant to the Department of Law Enforcement for state and

1 federal processing, provided the federal service is available,
2 to be processed for any criminal justice information as
3 defined in s. 943.045. The cost of processing such
4 fingerprints shall be payable to the Department of Law
5 Enforcement by the Department of Agriculture and Consumer
6 Services State.

7 (b) The sheriff's office shall provide fingerprinting
8 service if requested by the applicant and may charge a fee not
9 to exceed \$5 for this service.

10 (c) The Department of Agriculture and Consumer
11 Services State shall, within 90 days after the date of receipt
12 of the items listed in subsection (5):

13 1. Issue the license; or

14 2. Deny the application based solely on the ground
15 that the applicant fails to qualify under the criteria listed
16 in subsection (2) or subsection (3). If the Department of
17 Agriculture and Consumer Services State denies the
18 application, it shall notify the applicant in writing, stating
19 the ground for denial and informing the applicant of any right
20 to a hearing pursuant to chapter 120.

21 3. In the event the department receives criminal
22 history information with no final disposition on a crime which
23 may disqualify the applicant, the time limitation prescribed
24 by this paragraph may be suspended until receipt of the final
25 disposition or proof of restoration of civil and firearm
26 rights.

27 (d) In the event a legible set of fingerprints, as
28 determined by the Department of Agriculture and Consumer
29 Services State or the Federal Bureau of Investigation, cannot
30 be obtained after two attempts, the Department of Agriculture
31 and Consumer Services State shall determine eligibility based

1 upon the name checks conducted by the Florida Department of
2 Law Enforcement.

3 (e) A consular security official of a foreign
4 government that maintains diplomatic relations and treaties of
5 commerce, friendship, and navigation with the United States
6 and is certified as such by the foreign government and by the
7 appropriate embassy in this country must be issued a license
8 within 20 days after the date of the receipt of a completed
9 application, certification document, color photograph as
10 specified in paragraph (5)(e), and a nonrefundable license fee
11 of \$300. Consular security official licenses shall be valid
12 for 1 year and may be renewed upon completion of the
13 application process as provided in this section.

14 (7) The Department of Agriculture and Consumer
15 Services ~~State~~ shall maintain an automated listing of
16 licenseholders and pertinent information, and such information
17 shall be available on-line, upon request, at all times to all
18 law enforcement agencies through the Florida Crime Information
19 Center.

20 (8) Within 30 days after the changing of a permanent
21 address, or within 30 days after having a license lost or
22 destroyed, the licensee shall notify the Department of
23 Agriculture and Consumer Services ~~State~~ of such change.
24 Failure to notify the Department of Agriculture and Consumer
25 Services ~~State~~ pursuant to the provisions of this subsection
26 shall constitute a noncriminal violation with a penalty of
27 \$25.

28 (9) In the event that a concealed weapon or firearm
29 license is lost or destroyed, the license shall be
30 automatically invalid, and the person to whom the same was
31 issued may, upon payment of \$15 to the Department of

1 Agriculture and Consumer Services State, obtain a duplicate,
2 or substitute thereof, upon furnishing a notarized statement
3 to the Department of Agriculture and Consumer Services State
4 that such license has been lost or destroyed.

5 (10) A license issued under this section shall be
6 suspended or revoked pursuant to chapter 120 if the licensee:

7 (a) Is found to be ineligible under the criteria set
8 forth in subsection (2);

9 (b) Develops or sustains a physical infirmity which
10 prevents the safe handling of a weapon or firearm;

11 (c) Is convicted of a felony which would make the
12 licensee ineligible to possess a firearm pursuant to s.
13 790.23;

14 (d) Is found guilty of a crime under the provisions of
15 chapter 893, or similar laws of any other state, relating to
16 controlled substances;

17 (e) Is committed as a substance abuser under chapter
18 397, or is deemed a habitual offender under s. 856.011(3), or
19 similar laws of any other state;

20 (f) Is convicted of a second violation of s. 316.193,
21 or a similar law of another state, within 3 years of a
22 previous conviction of such section, or similar law of another
23 state, even though the first violation may have occurred prior
24 to the date on which the application was submitted;

25 (g) Is adjudicated an incapacitated person under s.
26 744.331, or similar laws of any other state; or

27 (h) Is committed to a mental institution under chapter
28 394, or similar laws of any other state.

29 (11) No less than 90 days prior to the expiration date
30 of the license, the Department of Agriculture and Consumer
31 Services State shall mail to each licensee a written notice of

1 the expiration and a renewal form prescribed by the Department
2 of Agriculture and Consumer Services ~~State~~. The licensee must
3 renew his or her license on or before the expiration date by
4 filing with the Department of Agriculture and Consumer
5 Services ~~State~~ the renewal form containing a notarized
6 affidavit stating that the licensee remains qualified pursuant
7 to the criteria specified in subsections (2) and (3), a color
8 photograph as specified in paragraph (5)(e), and the required
9 renewal fee. Out-of-state residents must also submit a
10 completed fingerprint card and fingerprint processing fee.
11 The license shall be renewed upon receipt of the completed
12 renewal form, color photograph, appropriate payment of fees,
13 and, if applicable, a completed fingerprint card.
14 Additionally, a licensee who fails to file a renewal
15 application on or before its expiration date must renew his or
16 her license by paying a late fee of \$15. No license shall be
17 renewed 6 months or more after its expiration date, and such
18 license shall be deemed to be permanently expired. A person
19 whose license has been permanently expired may reapply for
20 licensure; however, an application for licensure and fees
21 pursuant to subsection (5) must be submitted, and a background
22 investigation shall be conducted pursuant to the provisions of
23 this section. Persons who knowingly file false information
24 pursuant to this subsection shall be subject to criminal
25 prosecution under s. 837.06.

26 (12) No license issued pursuant to this section shall
27 authorize any person to carry a concealed weapon or firearm
28 into any place of nuisance as defined in s. 823.05; any
29 police, sheriff, or highway patrol station; any detention
30 facility, prison, or jail; any courthouse; any courtroom,
31 except that nothing in this section would preclude a judge

1 from carrying a concealed weapon or determining who will carry
2 a concealed weapon in his or her courtroom; any polling place;
3 any meeting of the governing body of a county, public school
4 district, municipality, or special district; any meeting of
5 the Legislature or a committee thereof; any school, college,
6 or professional athletic event not related to firearms; any
7 school administration building; any portion of an
8 establishment licensed to dispense alcoholic beverages for
9 consumption on the premises, which portion of the
10 establishment is primarily devoted to such purpose; any
11 elementary or secondary school facility; any area technical
12 center; any college or university facility unless the licensee
13 is a registered student, employee, or faculty member of such
14 college or university and the weapon is a stun gun or
15 nonlethal electric weapon or device designed solely for
16 defensive purposes and the weapon does not fire a dart or
17 projectile; inside the passenger terminal and sterile area of
18 any airport, provided that no person shall be prohibited from
19 carrying any legal firearm into the terminal, which firearm is
20 encased for shipment for purposes of checking such firearm as
21 baggage to be lawfully transported on any aircraft; or any
22 place where the carrying of firearms is prohibited by federal
23 law. Any person who willfully violates any provision of this
24 subsection commits a misdemeanor of the second degree,
25 punishable as provided in s. 775.082 or s. 775.083.

26 (13) All moneys collected by the department pursuant
27 to this section shall be deposited in the Division of
28 Licensing Trust Fund, and the Legislature shall appropriate
29 from the fund those amounts deemed necessary to administer the
30 provisions of this section. All revenues collected, less
31 those costs determined by the Department of Agriculture and

1 Consumer Services ~~State~~ to be nonrecurring or one-time costs,
2 shall be deferred over the 3-year licensure period.
3 Notwithstanding the provisions of s. 493.6117, all moneys
4 collected pursuant to this section shall not revert to the
5 General Revenue Fund; however, this shall not abrogate the
6 requirement for payment of the service charge imposed pursuant
7 to chapter 215.

8 (14) All funds received by the sheriff pursuant to the
9 provisions of this section shall be deposited into the general
10 revenue fund of the county and shall be budgeted to the
11 sheriff.

12 (15) The Legislature finds as a matter of public
13 policy and fact that it is necessary to provide statewide
14 uniform standards for issuing licenses to carry concealed
15 weapons and firearms for self-defense and finds it necessary
16 to occupy the field of regulation of the bearing of concealed
17 weapons or firearms for self-defense to ensure that no honest,
18 law-abiding person who qualifies under the provisions of this
19 section is subjectively or arbitrarily denied his or her
20 rights. The Department of Agriculture and Consumer Services
21 ~~State~~ shall implement and administer the provisions of this
22 section. The Legislature does not delegate to the Department
23 of Agriculture and Consumer Services ~~State~~ the authority to
24 regulate or restrict the issuing of licenses provided for in
25 this section, beyond those provisions contained in this
26 section. Subjective or arbitrary actions or rules which
27 encumber the issuing process by placing burdens on the
28 applicant beyond those sworn statements and specified
29 documents detailed in this section or which create
30 restrictions beyond those specified in this section are in
31 conflict with the intent of this section and are prohibited.

1 This section shall be liberally construed to carry out the
2 constitutional right to bear arms for self-defense. This
3 section is supplemental and additional to existing rights to
4 bear arms, and nothing in this section shall impair or
5 diminish such rights.

6 (16) The Department of Agriculture and Consumer
7 Services ~~State~~ shall maintain statistical information on the
8 number of licenses issued, revoked, suspended, and denied.

9 (17) As amended by chapter 87-24, Laws of Florida,
10 this section shall be known and may be cited as the "Jack
11 Hagler Self Defense Act."

12 Section 11. This act shall take effect January 3,
13 2003.

14
15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill 1724

18 Transfers Division of Licensing of the Department of State to
19 the Department of Agriculture and Consumer Services by a type
two transfer.

20 Limits ability of Commissioner of Agriculture to modify
21 division structure once transferred.

22 Makes corresponding reference changes.
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