

Bill No. CS for CS for SB 2072

Amendment No. Barcode 902102

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.

Senator Garcia moved the following amendment:

Senate Amendment (with title amendment)

On page 6, between lines 5 and 6,

insert:

Section 1. Effective January 3, 2003, 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. Effective January 3, 2003, subsection (2) of section 20.10, Florida Statutes, is amended to read:

20.10 Department of State.--There is created a

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 Department of State.

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

4 (a) Division of Elections.

5 (b) Division of Historical Resources.

6 (c) Division of Corporations.

7 (d) Division of Library and Information Services.

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

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

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

11 Section 3. Effective January 3, 2003, subsection (2)
12 of section 20.14, Florida Statutes, is amended to read:

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

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

18 (a) Administration.

19 (b) Agricultural Environmental Services.

20 (c) Animal Industry.

21 (d) Aquaculture.

22 (e) Consumer Services.

23 (f) Dairy Industry.

24 (g) Food Safety.

25 (h) Forestry.

26 (i) Fruit and Vegetables.

27 (j) Licensing.

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

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

30 (m)~~(l)~~ Standards.

31 Section 4. Effective January 3, 2003, subsection (1)

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 of section 493.6101, Florida Statutes, is amended to read:

2 493.6101 Definitions.--

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

5 Section 5. Effective January 3, 2003, subsection (2)
6 of section 493.6104, Florida Statutes, is amended to read:

7 493.6104 Advisory council.--

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

17 Section 6. Effective January 3, 2003, section
18 493.6108, Florida Statutes, is amended to read:

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

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

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

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 Federal Bureau of Investigation.

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

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

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

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

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

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

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. Effective January 3, 2003, subsection (2)
4 of section 493.6109, Florida 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. Effective January 3, 2003, section
19 493.6112, Florida Statutes, is 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.

31 (2) Each agency or school shall, upon the employment

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 or termination of employment of a licensee, report such
2 employment or termination immediately to the department and,
3 in the case of a termination, report the reason or reasons
4 therefor. The report shall be on a form prescribed by the
5 department.

6 Section 9. Effective January 3, 2003, subsection (7)
7 of section 493.6121, Florida Statutes, is amended to read:

8 493.6121 Enforcement; investigation.--

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

16 Section 10. Effective January 3, 2003, section 790.06,
17 Florida Statutes, is amended to read:

18 790.06 License to carry concealed weapon or firearm.--

19 (1) The Department of Agriculture and Consumer
20 Services ~~State~~ is authorized to issue licenses to carry
21 concealed weapons or concealed firearms to persons qualified
22 as provided in this section. Each such license must bear a
23 color photograph of the licensee. For the purposes of this
24 section, concealed weapons or concealed firearms are defined
25 as a handgun, electronic weapon or device, tear gas gun,
26 knife, or billie, but the term does not include a machine gun
27 as defined in s. 790.001(9). Such licenses shall be valid
28 throughout the state for a period of 5 years from the date of
29 issuance. Any person in compliance with the terms of such
30 license may carry a concealed weapon or concealed firearm
31 notwithstanding the provisions of s. 790.01. The licensee must

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

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

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

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

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

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

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

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

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

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

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

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

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

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

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

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

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

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

31 6. Is licensed or has been licensed to carry a firearm

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 in this state or a county or municipality of this state,
2 unless such license has been revoked for cause; or

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

6
7 A photocopy of a certificate of completion of any of the
8 courses or classes; or an affidavit from the instructor,
9 school, club, organization, or group that conducted or taught
10 said course or class attesting to the completion of the course
11 or class by the applicant; or a copy of any document which
12 shows completion of the course or class or evidences
13 participation in firearms competition shall constitute
14 evidence of qualification under this paragraph; any person who
15 conducts a course pursuant to subparagraph 2., subparagraph
16 3., or subparagraph 7., or who, as an instructor, attests to
17 the completion of such courses, must maintain records
18 certifying that he or she observed the student safely handle
19 and discharge the firearm;

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

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

30 (k) Has not had adjudication of guilt withheld or
31 imposition of sentence suspended on any felony or misdemeanor

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 crime of domestic violence unless 3 years have elapsed since
2 probation or any other conditions set by the court have been
3 fulfilled, or the record has been sealed or expunged;

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

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

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

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 committing acts of domestic violence or acts of repeat
2 violence.

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

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

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

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

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

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

19 (5) The applicant shall submit to the Department of
20 Agriculture and Consumer Services State:

21 (a) A completed application as described in subsection
22 (4).

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

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

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

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

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

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

26 (6)(a) The Department of Agriculture and Consumer
27 Services State, upon receipt of the items listed in subsection
28 (5), shall forward the full set of fingerprints of the
29 applicant to the Department of Law Enforcement for state and
30 federal processing, provided the federal service is available,
31 to be processed for any criminal justice information as

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 defined in s. 943.045. The cost of processing such
2 fingerprints shall be payable to the Department of Law
3 Enforcement by the Department of Agriculture and Consumer
4 Services State.

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

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

11 1. Issue the license; or

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

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

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

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

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

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

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

26 (9) In the event that a concealed weapon or firearm
27 license is lost or destroyed, the license shall be
28 automatically invalid, and the person to whom the same was
29 issued may, upon payment of \$15 to the Department of
30 Agriculture and Consumer Services State, obtain a duplicate,
31 or substitute thereof, upon furnishing a notarized statement

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 to the Department of Agriculture and Consumer Services ~~State~~
2 that such license has been lost or destroyed.

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

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

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

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

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

15 (e) Is committed as a substance abuser under chapter
16 397, or is deemed a habitual offender under s. 856.011(3), or
17 similar laws of any other state;

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

23 (g) Is adjudicated an incapacitated person under s.
24 744.331, or similar laws of any other state; or

25 (h) Is committed to a mental institution under chapter
26 394, or similar laws of any other state.

27 (11) No less than 90 days prior to the expiration date
28 of the license, the Department of Agriculture and Consumer
29 Services ~~State~~ shall mail to each licensee a written notice of
30 the expiration and a renewal form prescribed by the Department
31 of Agriculture and Consumer Services ~~State~~. The licensee must

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

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

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

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

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

24 (13) All moneys collected by the department pursuant
25 to this section shall be deposited in the Division of
26 Licensing Trust Fund, and the Legislature shall appropriate
27 from the fund those amounts deemed necessary to administer the
28 provisions of this section. All revenues collected, less
29 those costs determined by the Department of Agriculture and
30 Consumer Services ~~State~~ to be nonrecurring or one-time costs,
31 shall be deferred over the 3-year licensure period.

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 Notwithstanding the provisions of s. 493.6117, all moneys
2 collected pursuant to this section shall not revert to the
3 General Revenue Fund; however, this shall not abrogate the
4 requirement for payment of the service charge imposed pursuant
5 to chapter 215.

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

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

Bill No. CS for CS for SB 2072

Amendment No. ____ Barcode 902102

1 section is supplemental and additional to existing rights to
2 bear arms, and nothing in this section shall impair or
3 diminish such rights.

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

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

10

11 (Redesignate subsequent sections.)

12

13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, line 3, delete that line

17

18 and insert:

19 services; transferring the Division of
20 Licensing of the Department of State to the
21 Department of Agriculture and Consumer
22 Services; amending s. 20.10, F.S.; conforming
23 provisions; amending s. 20.14, F.S.; creating
24 the Division of Licensing in the Department of
25 Agriculture and Consumer Services; amending ss.
26 493.6101, 493.6104, 493.6108, 493.6109,
27 493.6112, 493.6121, 790.06, F.S.; redesignating
28 the department with regulatory
29 responsibilities; creating s. 288.1175, F.S. ;
30 providing

31