

By Senator Book

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1 A bill to be entitled
2 An act relating to the regulation of concealed weapons
3 licenses; transferring the concealed weapons licensing
4 program of the Division of Licensing of the Department
5 of Agriculture and Consumer Services to the Department
6 of Law Enforcement by a type two transfer; requiring
7 the Department of Agriculture and Consumer Services to
8 deliver certain records to the Department of Law
9 Enforcement; prohibiting the Department of Agriculture
10 and Consumer Services from retaining copies of such
11 records; amending s. 20.201, F.S.; creating the
12 Concealed Weapons Licensing Program in the Department
13 of Law Enforcement; amending ss. 493.6108, 790.06,
14 790.0601, 790.061, 790.062, 790.0625, 790.065,
15 790.335, 790.401, 943.053, and 943.059, F.S.;

16 redesignating the Department of Law Enforcement as the
17 entity responsible for regulating, and collecting
18 payments and fees from, concealed weapons licensing;
19 conforming provisions to changes made by the act;
20 amending s. 943.367, F.S.; expanding the purpose of
21 the Administrative Trust Fund of the Department of Law
22 Enforcement; providing funding for the trust fund from
23 payments and fees received relating to concealed
24 weapons licensing; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Pursuant to section 20.06(2), Florida Statutes,
29 the concealed weapons licensing program of the Division of

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30 Licensing of the Department of Agriculture and Consumer Services
31 is transferred by a type two transfer to the Department of Law
32 Enforcement.

33 Section 2. The Department of Agriculture and Consumer
34 Services shall deliver to the Department of Law Enforcement all
35 records in its possession relating to the duties transferred
36 under this act. The Department of Agriculture and Consumer
37 Services may not retain any copies, whether physical,
38 electronic, or otherwise, of such records.

39 Section 3. Section 20.201, Florida Statutes, is amended to
40 read:

41 20.201 Department of Law Enforcement.—

42 (1) There is created a Department of Law Enforcement. The
43 head of the department is the Governor and Cabinet. The
44 executive director of the department shall be appointed by the
45 Governor with the approval of three members of the Cabinet and
46 subject to confirmation by the Senate. The executive director
47 shall serve at the pleasure of the Governor and Cabinet. The
48 executive director may establish a command, operational, and
49 administrative services structure to assist, manage, and support
50 the department in operating programs and delivering services.

51 (2) The following programs of the Department of Law
52 Enforcement are established:

53 (a) Criminal Justice Investigations and Forensic Science
54 Program.

55 (b) Criminal Justice Information Program.

56 (c) Criminal Justice Professionalism Program.

57 (d) Concealed Weapons Licensing Program.

58 (e) ~~(d)~~ Capitol Police.

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59 Section 4. Subsection (3) of section 493.6108, Florida
60 Statutes, is amended to read:

61 493.6108 Investigation of applicants by Department of
62 Agriculture and Consumer Services.—

63 (3) The department must also investigate the mental history
64 and current mental and emotional fitness of any Class "G" or
65 Class "K" applicant and may deny a Class "G" or Class "K"
66 license to anyone who has a history of mental illness or drug or
67 alcohol abuse. ~~Notwithstanding s. 790.065(2)(a)4.f.,~~ The
68 Department of Law Enforcement is authorized, for ~~the limited~~
69 ~~purpose of~~ determining eligibility of Class "G" or Class "K"
70 applicants and licensees under this chapter, to provide the
71 department with mental health and substance abuse data of
72 individuals who are prohibited from purchasing a firearm.

73 Section 5. Section 790.06, Florida Statutes, is amended to
74 read:

75 790.06 License to carry concealed weapon or firearm.—

76 (1) The Department of Law Enforcement ~~Agriculture and~~
77 ~~Consumer Services~~ is authorized to issue licenses to carry
78 concealed weapons or concealed firearms to persons qualified as
79 provided in this section. Each such license must bear a color
80 photograph of the licensee. For the purposes of this section,
81 concealed weapons or concealed firearms are defined as a
82 handgun, electronic weapon or device, tear gas gun, knife, or
83 billie, but the term does not include a machine gun as defined
84 in s. 790.001(9). Such licenses shall be valid throughout the
85 state for a period of 7 years from the date of issuance. Any
86 person in compliance with the terms of such license may carry a
87 concealed weapon or concealed firearm notwithstanding ~~the~~

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88 ~~provisions of~~ s. 790.01. The licensee must carry the license,
89 together with valid identification, at all times in which the
90 licensee is in actual possession of a concealed weapon or
91 firearm and must display both the license and proper
92 identification upon demand by a law enforcement officer. A
93 violation of ~~Violations of the provisions of~~ this subsection is
94 ~~shall constitute~~ a noncriminal violation with a penalty of \$25,
95 payable to the clerk of the court.

96 (2) The Department of Law Enforcement ~~Agriculture and~~
97 ~~Consumer Services~~ shall issue a license if the applicant:

98 (a) Is a resident of the United States and a citizen of the
99 United States or a permanent resident alien of the United
100 States, as determined by the United States Bureau of Citizenship
101 and Immigration Services, or is a consular security official of
102 a foreign government that maintains diplomatic relations and
103 treaties of commerce, friendship, and navigation with the United
104 States and is certified as such by the foreign government and by
105 the appropriate embassy in this country;

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

107 (c) Does not suffer from a physical infirmity that ~~which~~
108 prevents the safe handling of a weapon or firearm;

109 (d) Is not ineligible to possess a firearm pursuant to s.
110 790.23 by virtue of having been convicted of a felony;

111 (e) Has not been:

112 1. Found guilty of a crime under ~~the provisions of~~ chapter
113 893 or similar laws of any other state relating to controlled
114 substances within a 3-year period immediately preceding the date
115 on which the application is submitted; or

116 2. Committed for the abuse of a controlled substance under

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117 chapter 397 or under ~~the provisions of~~ former chapter 396 or
118 similar laws of any other state. An applicant who has been
119 granted relief from firearms disabilities pursuant to s.
120 790.065(2)(a)4.d. or pursuant to the law of the state in which
121 the commitment occurred is deemed not to be committed for the
122 abuse of a controlled substance under this subparagraph;

123 (f) Does not chronically and habitually use alcoholic
124 beverages or other substances to the extent that his or her
125 normal faculties are impaired. It shall be presumed that an
126 applicant chronically and habitually uses alcoholic beverages or
127 other substances to the extent that his or her normal faculties
128 are impaired if the applicant has been convicted under s.
129 790.151 or has been deemed a habitual offender under s.
130 856.011(3), or has had two or more convictions under s. 316.193
131 or similar laws of any other state, within the 3-year period
132 immediately preceding the date on which the application is
133 submitted;

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

136 (h) Demonstrates competence with a firearm by any one of
137 the following:

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

141 2. Completion of any National Rifle Association firearms
142 safety or training course;

143 3. Completion of any firearms safety or training course or
144 class available to the general public offered by a law
145 enforcement agency, junior college, college, or private or

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146 public institution or organization or firearms training school,
147 using instructors certified by the National Rifle Association,
148 the Criminal Justice Standards and Training Commission, or the
149 Department of Law Enforcement ~~Agriculture and Consumer Services;~~

150 4. Completion of any law enforcement firearms safety or
151 training course or class offered for security guards,
152 investigators, special deputies, or any division or subdivision
153 of a law enforcement agency or security enforcement;

154 5. Presents evidence of equivalent experience with a
155 firearm through participation in organized shooting competition
156 or military service;

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

160 7. Completion of any firearms training or safety course or
161 class conducted by a state-certified or National Rifle
162 Association certified firearms instructor;

163
164 A photocopy of a certificate of completion of any of the courses
165 or classes; an affidavit from the instructor, school, club,
166 organization, or group that conducted or taught such course or
167 class attesting to the completion of the course or class by the
168 applicant; or a copy of any document that shows completion of
169 the course or class or evidences participation in firearms
170 competition shall constitute evidence of qualification under
171 this paragraph. A person who conducts a course pursuant to
172 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
173 an instructor, attests to the completion of such courses, must
174 maintain records certifying that he or she observed the student

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175 safely handle and discharge the firearm in his or her physical
176 presence and that the discharge of the firearm included live
177 fire using a firearm and ammunition as defined in s. 790.001;

178 (i) Has not been adjudicated an incapacitated person under
179 s. 744.331, or similar laws of any other state. An applicant who
180 has been granted relief from firearms disabilities pursuant to
181 s. 790.065(2)(a)4.d. or pursuant to the law of the state in
182 which the adjudication occurred is deemed not to have been
183 adjudicated an incapacitated person under this paragraph;

184 (j) Has not been committed to a mental institution under
185 chapter 394, or similar laws of any other state. An applicant
186 who has been granted relief from firearms disabilities pursuant
187 to s. 790.065(2)(a)4.d. or pursuant to the law of the state in
188 which the commitment occurred is deemed not to have been
189 committed in a mental institution under this paragraph;

190 (k) Has not had adjudication of guilt withheld or
191 imposition of sentence suspended on any felony unless 3 years
192 have elapsed since probation or any other conditions set by the
193 court have been fulfilled, or expunction has occurred;

194 (l) Has not had adjudication of guilt withheld or
195 imposition of sentence suspended on any misdemeanor crime of
196 domestic violence unless 3 years have elapsed since probation or
197 any other conditions set by the court have been fulfilled, or
198 the record has been expunged;

199 (m) Has not been issued an injunction that is currently in
200 force and effect and that restrains the applicant from
201 committing acts of domestic violence or acts of repeat violence;
202 and

203 (n) Is not prohibited from purchasing or possessing a

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204 firearm by any other provision of Florida or federal law.

205 (3) The Department of Law Enforcement ~~Agriculture and~~
206 ~~Consumer Services~~ shall deny a license if the applicant has been
207 found guilty of, had adjudication of guilt withheld for, or had
208 imposition of sentence suspended for one or more crimes of
209 violence constituting a misdemeanor, unless 3 years have elapsed
210 since probation or any other conditions set by the court have
211 been fulfilled or the record has been sealed or expunged. The
212 department of ~~Agriculture and Consumer Services~~ shall revoke a
213 license if the licensee has been found guilty of, had
214 adjudication of guilt withheld for, or had imposition of
215 sentence suspended for one or more crimes of violence within the
216 preceding 3 years. The department shall, upon notification by a
217 law enforcement agency or, a court, ~~or the Florida Department of~~
218 ~~Law Enforcement~~ and subsequent written verification, suspend a
219 license or the processing of an application for a license if the
220 licensee or applicant is arrested or formally charged with a
221 crime that would disqualify such person from having a license
222 under this section, until final disposition of the case. The
223 department shall suspend a license or the processing of an
224 application for a license if the licensee or applicant is issued
225 an injunction that restrains the licensee or applicant from
226 committing acts of domestic violence or acts of repeat violence.

227 (4) The application shall be completed, under oath, on a
228 form adopted by the Department of Law Enforcement ~~Agriculture~~
229 ~~and Consumer Services~~ and shall include:

230 (a) The name, address, place of birth, date of birth, and
231 race of the applicant;

232 (b) A statement that the applicant is in compliance with

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233 criteria contained within subsections (2) and (3);

234 (c) A statement that the applicant has been furnished a
235 copy of or a website link to this chapter and is knowledgeable
236 of its provisions;

237 (d) A conspicuous warning that the application is executed
238 under oath and that a false answer to any question, or the
239 submission of any false document by the applicant, subjects the
240 applicant to criminal prosecution under s. 837.06;

241 (e) A statement that the applicant desires a concealed
242 weapon or firearms license as a means of lawful self-defense;
243 and

244 (f) Directions for an applicant who is a servicemember, as
245 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
246 request expedited processing of his or her application.

247 (5) The applicant shall submit to the Department of Law
248 Enforcement ~~Agriculture and Consumer Services~~ or an approved tax
249 collector pursuant to s. 790.0625:

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

251 (b) A nonrefundable license fee of up to \$55 if he or she
252 has not previously been issued a statewide license or of up to
253 \$45 for renewal of a statewide license. The cost of processing
254 fingerprints as required in paragraph (c) shall be borne by the
255 applicant. However, an individual holding an active
256 certification from the Criminal Justice Standards and Training
257 Commission as a law enforcement officer, correctional officer,
258 or correctional probation officer as defined in s. 943.10(1),
259 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
260 requirements of this section. If such individual wishes to
261 receive a concealed weapon or firearm license, he or she is

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262 exempt from the background investigation and all background
263 investigation fees but must pay the current license fees
264 regularly required to be paid by nonexempt applicants. Further,
265 a law enforcement officer, a correctional officer, or a
266 correctional probation officer as defined in s. 943.10(1), (2),
267 or (3) is exempt from the required fees and background
268 investigation for 1 year after his or her retirement.

269 (c) A full set of fingerprints of the applicant
270 administered by a law enforcement agency, ~~or the Division of~~
271 ~~Licensing of the Department of Law Enforcement, Agriculture and~~
272 ~~Consumer Services~~ or an approved tax collector pursuant to s.
273 790.0625 together with any personal identifying information
274 required by federal law to process fingerprints. Charges for
275 fingerprint services under this paragraph are not subject to the
276 sales tax on fingerprint services imposed in s. 212.05(1)(i).

277 (d) A photocopy of a certificate, affidavit, or document as
278 described in paragraph (2)(h).

279 (e) A full frontal view color photograph of the applicant
280 taken within the preceding 30 days, in which the head, including
281 hair, measures 7/8 of an inch wide and 1 1/8 inches high.

282 (f) For expedited processing of an application:

283 1. A servicemember shall submit a copy of the Common Access
284 Card, United States Uniformed Services Identification Card, or
285 current deployment orders.

286 2. A veteran shall submit a copy of the DD Form 214, issued
287 by the United States Department of Defense, or another
288 acceptable form of identification as specified by the Department
289 of Veterans' Affairs.

290 (6) (a) ~~The Department of Agriculture and Consumer Services,~~

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291 Upon receipt of the items listed in subsection (5), the
292 Department of Law Enforcement shall prepare ~~forward~~ the full set
293 of fingerprints of the applicant ~~to the Department of Law~~
294 ~~Enforcement~~ for state and federal processing, provided the
295 federal service is available, to be processed for any criminal
296 justice information as defined in s. 943.045. The cost of
297 processing such fingerprints shall be payable to the Department
298 of Law Enforcement ~~by the Department of Agriculture and Consumer~~
299 ~~Services~~.

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

303 (c) The Department of Law Enforcement ~~Agriculture and~~
304 ~~Consumer Services~~ shall, within 90 days after the date of
305 receipt of the items listed in subsection (5):

306 1. Issue the license; or

307 2. Deny the application based solely on the ground that the
308 applicant fails to qualify under the criteria listed in
309 subsection (2) or subsection (3). If the Department of Law
310 Enforcement ~~Agriculture and Consumer Services~~ denies the
311 application, it shall notify the applicant in writing, stating
312 the ground for denial and informing the applicant of any right
313 to a hearing pursuant to chapter 120.

314 3. ~~If In the event~~ the department receives criminal history
315 information with no final disposition on a crime which may
316 disqualify the applicant, the time limitation prescribed by this
317 paragraph may be suspended until receipt of the final
318 disposition or proof of restoration of civil and firearm rights.

319 (d) ~~If In the event~~ a legible set of fingerprints, as

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320 determined by the Department of Law Enforcement ~~Agriculture and~~
321 ~~Consumer Services~~ or the Federal Bureau of Investigation, cannot
322 be obtained after two attempts, the Department of Law
323 Enforcement ~~Agriculture and Consumer Services~~ shall determine
324 eligibility based upon the name checks conducted by the ~~Florida~~
325 department ~~of Law Enforcement~~.

326 (e) A consular security official of a foreign government
327 that maintains diplomatic relations and treaties of commerce,
328 friendship, and navigation with the United States and is
329 certified as such by the foreign government and by the
330 appropriate embassy in this country must be issued a license
331 within 20 days after the date of the receipt of a completed
332 application, certification document, color photograph as
333 specified in paragraph (5) (e), and a nonrefundable license fee
334 of \$300. Consular security official licenses shall be valid for
335 1 year and may be renewed upon completion of the application
336 process as provided in this section.

337 (f) The Department of Law Enforcement ~~Agriculture and~~
338 ~~Consumer Services~~ shall, upon receipt of a completed application
339 and the identifying information required under paragraph (5) (f),
340 expedite the processing of a servicemember's or a veteran's
341 concealed weapon or firearm license application.

342 (7) The Department of Law Enforcement ~~Agriculture and~~
343 ~~Consumer Services~~ shall maintain an automated listing of
344 licenseholders and pertinent information, and such information
345 shall be available online, upon request, at all times to all law
346 enforcement agencies through the Florida Crime Information
347 Center.

348 (8) Within 30 days after the changing of a permanent

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349 address, or within 30 days after having a license lost or
350 destroyed, the licensee shall notify the Department of Law
351 Enforcement ~~Agriculture and Consumer Services~~ of such change.
352 Failure to notify the department of ~~Agriculture and Consumer~~
353 ~~Services~~ pursuant to ~~the provisions of~~ this subsection is shall
354 ~~constitute~~ a noncriminal violation with a penalty of \$25.

355 (9) ~~If In the event that~~ a concealed weapon or firearm
356 license is lost or destroyed, the license shall be automatically
357 invalid, and the person to whom the same was issued may, upon
358 payment of \$15 to the Department of Law Enforcement ~~Agriculture~~
359 ~~and Consumer Services~~, obtain a duplicate, or substitute
360 thereof, upon furnishing a notarized statement to the department
361 of ~~Agriculture and Consumer Services~~ that such license has been
362 lost or destroyed.

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

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

367 (b) Develops or sustains a physical infirmity that ~~which~~
368 prevents the safe handling of a weapon or firearm;

369 (c) Is convicted of a felony that ~~which~~ would make the
370 licensee ineligible to possess a firearm pursuant to s. 790.23;

371 (d) Is found guilty of a crime under ~~the provisions of~~
372 chapter 893, or similar laws of any other state, relating to
373 controlled substances;

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

377 (f) Is convicted of a second violation of s. 316.193, or a

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378 similar law of another state, within 3 years after a first
379 conviction of such section or similar law of another state, even
380 though the first violation may have occurred before the date on
381 which the application was submitted;

382 (g) Is adjudicated an incapacitated person under s.
383 744.331, or similar laws of any other state; or

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

386

387 Notwithstanding s. 120.60(5), service of a notice of the
388 suspension or revocation of a concealed weapon or firearm
389 license must be given ~~by~~ either by certified mail, return
390 receipt requested, to the licensee at his or her last known
391 mailing address furnished to the Department of Law Enforcement
392 ~~Agriculture and Consumer Services~~, or ~~by~~ personal service. If a
393 notice given by certified mail is returned as undeliverable, a
394 second attempt must be made to provide notice to the licensee at
395 that address, ~~by~~ either by first-class mail in an envelope,
396 postage prepaid, addressed to the licensee at his or her last
397 known mailing address furnished to the department, or, if the
398 licensee has provided an e-mail address to the department, ~~by~~ e-
399 mail. Such mailing by the department constitutes notice, and any
400 failure by the licensee to receive such notice does not stay the
401 effective date or term of the suspension or revocation. A
402 request for hearing must be filed with the department within 21
403 days after notice is received by personal delivery, or within 26
404 days after the date the department deposits the notice in the
405 United States mail (21 days plus 5 days for mailing). The
406 department shall document its attempts to provide notice, and

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407 such documentation is admissible in the courts of this state and
408 constitutes sufficient proof that notice was given.

409 (11) (a) At least 90 days before the expiration date of the
410 license, the Department of Law Enforcement ~~Agriculture and~~
411 ~~Consumer Services~~ shall mail to each licensee a written notice
412 of the expiration and a renewal form prescribed by the
413 department ~~of Agriculture and Consumer Services~~. The licensee
414 must renew his or her license on or before the expiration date
415 by filing with the department ~~of Agriculture and Consumer~~
416 ~~Services~~ the renewal form containing an affidavit submitted
417 under oath and under penalty of perjury stating that the
418 licensee remains qualified pursuant to the criteria specified in
419 subsections (2) and (3), a color photograph as specified in
420 paragraph (5) (e), and the required renewal fee. Out-of-state
421 residents must also submit a complete set of fingerprints and
422 fingerprint processing fee. The license shall be renewed upon
423 receipt of the completed renewal form, color photograph,
424 appropriate payment of fees, and, if applicable, fingerprints.
425 Additionally, a licensee who fails to file a renewal application
426 on or before its expiration date must renew his or her license
427 by paying a late fee of \$15. A license may not be renewed 180
428 days or more after its expiration date, and such a license is
429 deemed to be permanently expired. A person whose license has
430 been permanently expired may reapply for licensure; however, an
431 application for licensure and fees under subsection (5) must be
432 submitted, and a background investigation shall be conducted
433 pursuant to this section. A person who knowingly files false
434 information under this subsection is subject to criminal
435 prosecution under s. 837.06.

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436 (b) A license issued to a servicemember, as defined in s.
437 250.01, is subject to paragraph (a); however, such a license
438 does not expire while the servicemember is serving on military
439 orders that have taken him or her over 35 miles from his or her
440 residence and shall be extended, as provided in this paragraph,
441 for up to 180 days after his or her return to such residence. If
442 the license renewal requirements in paragraph (a) are met within
443 the 180-day extension period, the servicemember may not be
444 charged any additional costs, such as, but not limited to, late
445 fees or delinquency fees, above the normal license fees. The
446 servicemember must present to the Department of Law Enforcement
447 ~~Agriculture and Consumer Services~~ a copy of his or her official
448 military orders or a written verification from the member's
449 commanding officer before the end of the 180-day period in order
450 to qualify for the extension.

451 (12) (a) A license issued under this section does not
452 authorize any person to openly carry a handgun or carry a
453 concealed weapon or firearm into:

- 454 1. Any place of nuisance as defined in s. 823.05;
- 455 2. Any police, sheriff, or highway patrol station;
- 456 3. Any detention facility, prison, or jail;
- 457 4. Any courthouse;
- 458 5. Any courtroom, except that nothing in this section would
459 preclude a judge from carrying a concealed weapon or determining
460 who will carry a concealed weapon in his or her courtroom;
- 461 6. Any polling place;
- 462 7. Any meeting of the governing body of a county, public
463 school district, municipality, or special district;
- 464 8. Any meeting of the Legislature or a committee thereof;

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465 9. Any school, college, or professional athletic event not
466 related to firearms;

467 10. Any elementary or secondary school facility or
468 administration building;

469 11. Any career center;

470 12. Any portion of an establishment licensed to dispense
471 alcoholic beverages for consumption on the premises, which
472 portion of the establishment is primarily devoted to such
473 purpose;

474 13. Any college or university facility unless the licensee
475 is a registered student, employee, or faculty member of such
476 college or university and the weapon is a stun gun or nonlethal
477 electric weapon or device designed solely for defensive purposes
478 and the weapon does not fire a dart or projectile;

479 14. The inside of the passenger terminal and sterile area
480 of any airport, provided that no person shall be prohibited from
481 carrying any legal firearm into the terminal, which firearm is
482 encased for shipment for purposes of checking such firearm as
483 baggage to be lawfully transported on any aircraft; or

484 15. Any place where the carrying of firearms is prohibited
485 by federal law.

486 (b) A person licensed under this section shall not be
487 prohibited from carrying or storing a firearm in a vehicle for
488 lawful purposes.

489 (c) This section does not modify the terms or conditions of
490 s. 790.251(7).

491 (d) Any person who knowingly and willfully violates any
492 provision of this subsection commits a misdemeanor of the second
493 degree, punishable as provided in s. 775.082 or s. 775.083.

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494 (13) All moneys collected by the Department of Law
495 Enforcement pursuant to this section shall be deposited in the
496 Administrative Trust Fund of the Department of Law Enforcement
497 ~~Division of Licensing Trust Fund~~, and the Legislature shall
498 appropriate from the fund those amounts deemed necessary to
499 administer ~~the provisions of~~ this section. All revenues
500 collected, less those costs determined by the department ~~of~~
501 ~~Agriculture and Consumer Services~~ to be nonrecurring or one-time
502 costs, shall be deferred over the 7-year licensure period.
503 Notwithstanding ~~the provisions of~~ s. 493.6117, all moneys
504 collected pursuant to this section shall not revert to the
505 General Revenue Fund; however, this shall not abrogate the
506 requirement for payment of the service charge imposed pursuant
507 to chapter 215.

508 (14) All funds received by the sheriff pursuant to ~~the~~
509 ~~provisions of~~ this section shall be deposited into the general
510 revenue fund of the county and shall be budgeted to the sheriff.

511 (15) The Legislature finds as a matter of public policy and
512 fact that it is necessary to provide statewide uniform standards
513 for issuing licenses to carry concealed weapons and firearms for
514 self-defense and finds it necessary to occupy the field of
515 regulation of the bearing of concealed weapons or firearms for
516 self-defense to ensure that no honest, law-abiding person who
517 qualifies under ~~the provisions of~~ this section is subjectively
518 or arbitrarily denied his or her rights. The Department of Law
519 Enforcement ~~Agriculture and Consumer Services~~ shall implement
520 and administer ~~the provisions of~~ this section. The Legislature
521 does not delegate to the department ~~of Agriculture and Consumer~~
522 ~~Services~~ the authority to regulate or restrict the issuing of

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523 licenses provided for in this section, beyond those provisions
524 contained in this section. Subjective or arbitrary actions or
525 rules that ~~which~~ encumber the issuing process by placing burdens
526 on the applicant beyond those sworn statements and specified
527 documents detailed in this section or that ~~which~~ create
528 restrictions beyond those specified in this section are in
529 conflict with the intent of this section and are prohibited.
530 This section shall be liberally construed to carry out the
531 constitutional right to bear arms for self-defense. This section
532 is supplemental and additional to existing rights to bear arms,
533 and nothing in this section shall impair or diminish such
534 rights.

535 (16) The Department of Law Enforcement ~~Agriculture and~~
536 ~~Consumer Services~~ shall maintain statistical information on the
537 number of licenses issued, revoked, suspended, and denied.

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

541 Section 6. Section 790.0601, Florida Statutes, is amended
542 to read:

543 790.0601 Public records exemption for concealed weapons.—

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

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

561 (3) Information made confidential and exempt by this
562 section shall be disclosed:

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

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

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

571 (4) Subsection (2) is subject to the Open Government Sunset
572 Review Act in accordance with s. 119.15 and shall stand repealed
573 on October 2, 2019, unless reviewed and saved from repeal
574 through reenactment by the Legislature.

575 Section 7. Section 790.061, Florida Statutes, is amended to
576 read:

577 790.061 Judges and justices; exceptions from licensure
578 provisions.—A county court judge, circuit court judge, district
579 court of appeal judge, justice of the supreme court, federal
580 district court judge, or federal court of appeals judge serving

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581 in this state is not required to comply with ~~the provisions of~~
582 s. 790.06 in order to receive a license to carry a concealed
583 weapon or firearm, except that any such justice or judge must
584 comply with ~~the provisions of~~ s. 790.06(2)(h). The Department of
585 Law Enforcement ~~Agriculture and Consumer Services~~ shall issue a
586 license to carry a concealed weapon or firearm to any such
587 justice or judge upon demonstration of competence of the justice
588 or judge pursuant to s. 790.06(2)(h).

589 Section 8. Section 790.062, Florida Statutes, is amended to
590 read:

591 790.062 Members and veterans of United States Armed Forces;
592 exceptions from licensure provisions.—

593 (1) Notwithstanding s. 790.06(2)(b), the Department of Law
594 Enforcement ~~Agriculture and Consumer Services~~ shall issue a
595 license to carry a concealed weapon or firearm under s. 790.06
596 if the applicant is otherwise qualified and:

597 (a) Is a servicemember, as defined in s. 250.01; or

598 (b) Is a veteran of the United States Armed Forces who was
599 discharged under honorable conditions.

600 (2) The Department of Law Enforcement ~~Agriculture and~~
601 ~~Consumer Services~~ shall accept fingerprints of an applicant
602 under this section administered by any law enforcement agency,
603 military provost, or other military unit charged with law
604 enforcement duties or as otherwise provided for in s.
605 790.06(5)(c). Charges for fingerprint services under this
606 subsection are not subject to the sales tax on fingerprint
607 services imposed in s. 212.05(1)(i).

608 Section 9. Section 790.0625, Florida Statutes, is amended
609 to read:

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610 790.0625 Appointment of tax collectors to accept
611 applications for a concealed weapon or firearm license; fees;
612 penalties.—

613 (1) As used in this section, the term:

614 (a) "Department" means the Department of Law Enforcement
615 ~~Agriculture and Consumer Services~~.

616 (b) "Program" means the Concealed Weapons Licensing Program
617 ~~"Division"~~ means the ~~Division of Licensing~~ of the Department of
618 Law Enforcement ~~Agriculture and Consumer Services~~.

619 (2) The department, at its discretion, may appoint tax
620 collectors, as defined in s. 1(d) of Art. VIII of the State
621 Constitution, to accept applications on behalf of the program
622 ~~division~~ for concealed weapon or firearm licenses. Such
623 appointment shall be for specified locations that will best
624 serve the public interest and convenience in applying for these
625 licenses.

626 (3) A tax collector seeking to be appointed to accept
627 applications for new or renewal concealed weapon or firearm
628 licenses must submit a written request to the program ~~division~~
629 stating his or her name, address, telephone number, each
630 location within the county at which the tax collector wishes to
631 accept applications, and other information as required by the
632 program ~~division~~.

633 (a) Upon receipt of a written request, the program ~~division~~
634 shall review it and at its discretion may decline to enter into
635 a memorandum of understanding or, if approved, enter into a
636 memorandum of understanding with the tax collector to accept
637 applications for new or renewal concealed weapon or firearm
638 licenses on behalf of the department.

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639 (b) The department or the program ~~division~~ may rescind a
640 memorandum of understanding for any reason at any time.

641 (4) All personal identifying information that is provided
642 pursuant to s. 790.06 and contained in the records of a tax
643 collector appointed under this section is confidential and
644 exempt as provided in s. 790.0601.

645 (5) A tax collector appointed under this section may
646 collect and retain a convenience fee of \$22 for each new
647 application and \$12 for each renewal application and shall remit
648 weekly to the department the license fees pursuant to s. 790.06
649 for deposit in the Administrative Trust Fund of the department
650 ~~Division of Licensing Trust Fund~~.

651 (6) (a) A tax collector appointed under this section may not
652 maintain a list or record of persons who apply for or are
653 granted a new or renewal license to carry a concealed weapon or
654 firearm. A violation of this paragraph is subject to s. 790.335.

655 (b) A person may not handle an application for a concealed
656 weapon or firearm for a fee or compensation of any kind unless
657 he or she has been appointed by the department to do so.

658 (7) A person who willfully violates this section commits a
659 misdemeanor of the second degree, punishable as provided in s.
660 775.082 or s. 775.083.

661 (8) Upon receipt of a completed renewal application, a new
662 color photograph, and appropriate payment of fees, a tax
663 collector authorized to accept renewal applications for
664 concealed weapon or firearm licenses under this section may,
665 upon approval and confirmation of license issuance by the
666 department, print and deliver a concealed weapon or firearm
667 license to a licensee renewing his or her license at the tax

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668 collector's office.

669 Section 10. Paragraph (a) of subsection (2) of section
670 790.065, Florida Statutes, is amended to read:

671 790.065 Sale and delivery of firearms.—

672 (2) Upon receipt of a request for a criminal history record
673 check, the Department of Law Enforcement shall, during the
674 licensee's call or by return call, forthwith:

675 (a) Review any records available to determine if the
676 potential buyer or transferee:

677 1. Has been convicted of a felony and is prohibited from
678 receipt or possession of a firearm pursuant to s. 790.23;

679 2. Has been convicted of a misdemeanor crime of domestic
680 violence, and therefore is prohibited from purchasing a firearm;

681 3. Has had adjudication of guilt withheld or imposition of
682 sentence suspended on any felony or misdemeanor crime of
683 domestic violence unless 3 years have elapsed since probation or
684 any other conditions set by the court have been fulfilled or
685 expunction has occurred; or

686 4. Has been adjudicated mentally defective or has been
687 committed to a mental institution by a court or as provided in
688 sub-sub-subparagraph b.(II), and as a result is prohibited by
689 state or federal law from purchasing a firearm.

690 a. As used in this subparagraph, "adjudicated mentally
691 defective" means a determination by a court that a person, as a
692 result of marked subnormal intelligence, or mental illness,
693 incompetency, condition, or disease, is a danger to himself or
694 herself or to others or lacks the mental capacity to contract or
695 manage his or her own affairs. The phrase includes a judicial
696 finding of incapacity under s. 744.331(6)(a), an acquittal by

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697 reason of insanity of a person charged with a criminal offense,
698 and a judicial finding that a criminal defendant is not
699 competent to stand trial.

700 b. As used in this subparagraph, "committed to a mental
701 institution" means:

702 (I) Involuntary commitment, commitment for mental
703 defectiveness or mental illness, and commitment for substance
704 abuse. The phrase includes involuntary inpatient placement under
705 ~~as defined in~~ s. 394.467, involuntary outpatient placement under
706 ~~as defined in~~ s. 394.4655, involuntary assessment and
707 stabilization under s. 397.6818, and involuntary substance abuse
708 treatment under s. 397.6957, but does not include a person in a
709 mental institution for observation or discharged from a mental
710 institution based upon the initial review by the physician or a
711 voluntary admission to a mental institution; or

712 (II) Notwithstanding sub-sub-subparagraph (I), voluntary
713 admission to a mental institution for outpatient or inpatient
714 treatment of a person who had an involuntary examination under
715 s. 394.463, where each of the following conditions have been
716 met:

717 (A) An examining physician found that the person is an
718 imminent danger to himself or herself or others.

719 (B) The examining physician certified that if the person
720 did not agree to voluntary treatment, a petition for involuntary
721 outpatient or inpatient treatment would have been filed under s.
722 394.463(2)(g)4., or the examining physician certified that a
723 petition was filed and the person subsequently agreed to
724 voluntary treatment before ~~prior to~~ a court hearing on the
725 petition.

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726 (C) Before agreeing to voluntary treatment, the person
727 received written notice of that finding and certification, and
728 written notice that as a result of such finding, he or she may
729 be prohibited from purchasing a firearm, and may not be eligible
730 to apply for or retain a concealed weapon or firearms license
731 under s. 790.06 and the person acknowledged such notice in
732 writing, in substantially the following form:

733

734 "I understand that the doctor who examined me believes I am a
735 danger to myself or to others. I understand that if I do not
736 agree to voluntary treatment, a petition will be filed in court
737 to require me to receive involuntary treatment. I understand
738 that if that petition is filed, I have the right to contest it.
739 In the event a petition has been filed, I understand that I can
740 subsequently agree to voluntary treatment before ~~prior to~~ a
741 court hearing. I understand that by agreeing to voluntary
742 treatment in either of these situations, I may be prohibited
743 from buying firearms and from applying for or retaining a
744 concealed weapons or firearms license until I apply for and
745 receive relief from that restriction under Florida law."

746

747 (D) A judge or a magistrate has, pursuant to sub-sub-
748 subparagraph c.(II), reviewed the record of the finding,
749 certification, notice, and written acknowledgment classifying
750 the person as an imminent danger to himself or herself or
751 others, and ordered that such record be submitted to the
752 department.

753 c. In order to check for these conditions, the department
754 shall compile and maintain an automated database of persons who

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755 are prohibited from purchasing a firearm based on court records
756 of adjudications of mental defectiveness or commitments to
757 mental institutions.

758 (I) Except as provided in sub-sub-subparagraph (II), clerks
759 of court shall submit these records to the department within 1
760 month after the rendition of the adjudication or commitment.
761 Reports shall be submitted in an automated format. The reports
762 must, at a minimum, include the name, along with any known alias
763 or former name, the sex, and the date of birth of the subject.

764 (II) For persons committed to a mental institution pursuant
765 to sub-sub-subparagraph b.(II), within 24 hours after the
766 person's agreement to voluntary admission, a record of the
767 finding, certification, notice, and written acknowledgment must
768 be filed by the administrator of the receiving or treatment
769 facility, as defined in s. 394.455, with the clerk of the court
770 for the county in which the involuntary examination under s.
771 394.463 occurred. No fee shall be charged for the filing under
772 this sub-sub-subparagraph. The clerk must present the records to
773 a judge or magistrate within 24 hours after receipt of the
774 records. A judge or magistrate is required and has the lawful
775 authority to review the records ex parte and, if the judge or
776 magistrate determines that the record supports the classifying
777 of the person as an imminent danger to himself or herself or
778 others, to order that the record be submitted to the department.
779 If a judge or magistrate orders the submittal of the record to
780 the department, the record must be submitted to the department
781 within 24 hours.

782 d. A person who has been adjudicated mentally defective or
783 committed to a mental institution, as those terms are defined in

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784 this paragraph, may petition the court that made the
785 adjudication or commitment, or the court that ordered that the
786 record be submitted to the department pursuant to sub-sub-
787 subparagraph c.(II), for relief from the firearm disabilities
788 imposed by such adjudication or commitment. A copy of the
789 petition shall be served on the state attorney for the county in
790 which the person was adjudicated or committed. The state
791 attorney may object to and present evidence relevant to the
792 relief sought by the petition. The hearing on the petition may
793 be open or closed as the petitioner may choose. The petitioner
794 may present evidence and subpoena witnesses to appear at the
795 hearing on the petition. The petitioner may confront and cross-
796 examine witnesses called by the state attorney. A record of the
797 hearing shall be made by a certified court reporter or by court-
798 approved electronic means. The court shall make written findings
799 of fact and conclusions of law on the issues before it and issue
800 a final order. The court shall grant the relief requested in the
801 petition if the court finds, based on the evidence presented
802 with respect to the petitioner's reputation, the petitioner's
803 mental health record and, if applicable, criminal history
804 record, the circumstances surrounding the firearm disability,
805 and any other evidence in the record, that the petitioner will
806 not be likely to act in a manner that is dangerous to public
807 safety and that granting the relief would not be contrary to the
808 public interest. If the final order denies relief, the
809 petitioner may not petition again for relief from firearm
810 disabilities until 1 year after the date of the final order. The
811 petitioner may seek judicial review of a final order denying
812 relief in the district court of appeal having jurisdiction over

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813 the court that issued the order. The review shall be conducted
814 de novo. Relief from a firearm disability granted under this
815 sub-subparagraph has no effect on the loss of civil rights,
816 including firearm rights, for any reason other than the
817 particular adjudication of mental defectiveness or commitment to
818 a mental institution from which relief is granted.

819 e. Upon receipt of proper notice of relief from firearm
820 disabilities granted under sub-subparagraph d., the department
821 shall delete any mental health record of the person granted
822 relief from the automated database of persons who are prohibited
823 from purchasing a firearm based on court records of
824 adjudications of mental defectiveness or commitments to mental
825 institutions.

826 f. The department is authorized to disclose data collected
827 pursuant to this subparagraph to agencies of the Federal
828 Government and other states for use exclusively in determining
829 the lawfulness of a firearm sale or transfer. The department is
830 also authorized to review these ~~disclose this data to the~~
831 ~~Department of Agriculture and Consumer Services~~ for purposes of
832 determining eligibility for issuance of a concealed weapons or
833 concealed firearms license and for determining whether a basis
834 exists for revoking or suspending a previously issued license
835 pursuant to s. 790.06(10). When a potential buyer or transferee
836 appeals a nonapproval based on these records, the clerks of
837 court and mental institutions shall, upon request by the
838 department, provide information to help determine whether the
839 potential buyer or transferee is the same person as the subject
840 of the record. Photographs and any other data that could confirm
841 or negate identity must be made available to the department for

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842 such purposes, notwithstanding any other provision of state law
843 to the contrary. Any such information that is made confidential
844 or exempt from disclosure by law shall retain such confidential
845 or exempt status when transferred to the department.

846 Section 11. Paragraph (o) of subsection (3) of section
847 790.335, Florida Statutes, is amended to read:

848 790.335 Prohibition of registration of firearms; electronic
849 records.—

850 (3) EXCEPTIONS.—The provisions of this section shall not
851 apply to:

852 (o) Records maintained pursuant to s. 790.06 by the
853 Department of Law Enforcement ~~Agriculture and Consumer Services~~
854 of a person who was a licensee within the prior 2 years.

855 Section 12. Paragraph (b) of subsection (8) and paragraphs
856 (c) and (d) of subsection (10) of section 790.401, Florida
857 Statutes, are amended to read:

858 790.401 Risk protection orders.—

859 (8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

860 (b) If a risk protection order is vacated or ends without
861 extension, the Department of Law Enforcement ~~Agriculture and~~
862 ~~Consumer Services~~, if it has suspended a license to carry a
863 concealed weapon or firearm pursuant to this section, must
864 reinstate such license only after confirming that the respondent
865 is currently eligible to have a license to carry a concealed
866 weapon or firearm pursuant to s. 790.06.

867 (10) REPORTING OF ORDERS.—

868 (c) The issuing court shall, within 3 business days after
869 issuance of a risk protection order or temporary ex parte risk
870 protection order, forward all available identifying information

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871 concerning the respondent, along with the date of order
872 issuance, to the Department of Law Enforcement ~~Agriculture and~~
873 ~~Consumer Services~~. Upon receipt of the information, the
874 department shall determine if the respondent has a license to
875 carry a concealed weapon or firearm. If the respondent does have
876 a license to carry a concealed weapon or firearm, the department
877 must immediately suspend the license.

878 (d) If a risk protection order is vacated before its end
879 date, the clerk of the court shall, on the day of the order to
880 vacate, forward a copy of the order to the Department of Law
881 Enforcement ~~Agriculture and Consumer Services~~ and the
882 appropriate law enforcement agency specified in the order to
883 vacate. Upon receipt of the order, the law enforcement agency
884 shall promptly remove the order from any computer-based system
885 in which it was entered pursuant to paragraph (b).

886 Section 13. Paragraph (e) of subsection (3) of section
887 943.053, Florida Statutes, is amended to read:

888 943.053 Dissemination of criminal justice information;
889 fees.—

890 (3)

891 (e) The fee per record for criminal history information
892 provided pursuant to this subsection and s. 943.0542 is \$24 per
893 name submitted, except that the fee for the guardian ad litem
894 program and vendors of the Department of Children and Families,
895 the Department of Juvenile Justice, the Agency for Persons with
896 Disabilities, and the Department of Elderly Affairs shall be \$8
897 for each name submitted; the fee for a state criminal history
898 provided for application processing as required by law to be
899 performed by the Department of Law Enforcement ~~Agriculture and~~

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900 ~~Consumer Services~~ shall be \$15 for each name submitted; and the
901 fee for requests under s. 943.0542, which implements the
902 National Child Protection Act, shall be \$18 for each volunteer
903 name submitted. The state offices of the Public Defender shall
904 not be assessed a fee for Florida criminal history information
905 or wanted person information.

906 Section 14. Paragraph (a) of subsection (4) of section
907 943.059, Florida Statutes, is amended to read:

908 943.059 Court-ordered sealing of criminal history records.-
909 The courts of this state shall continue to have jurisdiction
910 over their own procedures, including the maintenance, sealing,
911 and correction of judicial records containing criminal history
912 information to the extent such procedures are not inconsistent
913 with the conditions, responsibilities, and duties established by
914 this section. Any court of competent jurisdiction may order a
915 criminal justice agency to seal the criminal history record of a
916 minor or an adult who complies with the requirements of this
917 section. The court shall not order a criminal justice agency to
918 seal a criminal history record until the person seeking to seal
919 a criminal history record has applied for and received a
920 certificate of eligibility for sealing pursuant to subsection
921 (2). A criminal history record that relates to a violation of s.
922 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
923 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
924 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
925 s. 916.1075, a violation enumerated in s. 907.041, or any
926 violation specified as a predicate offense for registration as a
927 sexual predator pursuant to s. 775.21, without regard to whether
928 that offense alone is sufficient to require such registration,

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929 or for registration as a sexual offender pursuant to s.
930 943.0435, may not be sealed, without regard to whether
931 adjudication was withheld, if the defendant was found guilty of
932 or pled guilty or nolo contendere to the offense, or if the
933 defendant, as a minor, was found to have committed or pled
934 guilty or nolo contendere to committing the offense as a
935 delinquent act. The court may only order sealing of a criminal
936 history record pertaining to one arrest or one incident of
937 alleged criminal activity, except as provided in this section.
938 The court may, at its sole discretion, order the sealing of a
939 criminal history record pertaining to more than one arrest if
940 the additional arrests directly relate to the original arrest.
941 If the court intends to order the sealing of records pertaining
942 to such additional arrests, such intent must be specified in the
943 order. A criminal justice agency may not seal any record
944 pertaining to such additional arrests if the order to seal does
945 not articulate the intention of the court to seal records
946 pertaining to more than one arrest. This section does not
947 prevent the court from ordering the sealing of only a portion of
948 a criminal history record pertaining to one arrest or one
949 incident of alleged criminal activity. Notwithstanding any law
950 to the contrary, a criminal justice agency may comply with laws,
951 court orders, and official requests of other jurisdictions
952 relating to sealing, correction, or confidential handling of
953 criminal history records or information derived therefrom. This
954 section does not confer any right to the sealing of any criminal
955 history record, and any request for sealing a criminal history
956 record may be denied at the sole discretion of the court.

957 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal

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958 history record of a minor or an adult which is ordered sealed by
959 a court pursuant to this section is confidential and exempt from
960 ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
961 Constitution and is available only to the person who is the
962 subject of the record, to the subject's attorney, to criminal
963 justice agencies for their respective criminal justice purposes,
964 which include conducting a criminal history background check for
965 approval of firearms purchases or transfers as authorized by
966 state or federal law, to judges in the state courts system for
967 the purpose of assisting them in their case-related
968 decisionmaking responsibilities, as set forth in s. 943.053(5),
969 or to those entities set forth in subparagraphs (a)1., 4., 5.,
970 6., 8., 9., and 10. for their respective licensing, access
971 authorization, and employment purposes.

972 (a) The subject of a criminal history record sealed under
973 this section or under other provisions of law, including former
974 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
975 deny or fail to acknowledge the arrests covered by the sealed
976 record, except when the subject of the record:

- 977 1. Is a candidate for employment with a criminal justice
978 agency;
- 979 2. Is a defendant in a criminal prosecution;
- 980 3. Concurrently or subsequently petitions for relief under
981 this section, s. 943.0583, or s. 943.0585;
- 982 4. Is a candidate for admission to The Florida Bar;
- 983 5. Is seeking to be employed or licensed by or to contract
984 with the Department of Children and Families, the Division of
985 Vocational Rehabilitation within the Department of Education,
986 the Agency for Health Care Administration, the Agency for

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987 Persons with Disabilities, the Department of Health, the
988 Department of Elderly Affairs, or the Department of Juvenile
989 Justice or to be employed or used by such contractor or licensee
990 in a sensitive position having direct contact with children, the
991 disabled, or the elderly;

992 6. Is seeking to be employed or licensed by the Department
993 of Education, a district school board, a university laboratory
994 school, a charter school, a private or parochial school, or a
995 local governmental entity that licenses child care facilities;

996 7. Is attempting to purchase a firearm from a licensed
997 importer, licensed manufacturer, or licensed dealer and is
998 subject to a criminal history check under state or federal law;

999 8. Is seeking to be licensed by the Division of Insurance
1000 Agent and Agency Services within the Department of Financial
1001 Services;

1002 9. Is seeking to be appointed as a guardian pursuant to s.
1003 744.3125; or

1004 10. Is seeking to be licensed by the Department of Law
1005 Enforcement ~~Bureau of License Issuance of the Division of~~
1006 ~~Licensing within the Department of Agriculture and Consumer~~
1007 ~~Services~~ to carry a concealed weapon or concealed firearm. This
1008 subparagraph applies only in the determination of an applicant's
1009 eligibility under s. 790.06.

1010 Section 15. Section 943.367, Florida Statutes, is amended
1011 to read:

1012 943.367 Administrative Trust Fund.—

1013 (1) The Administrative Trust Fund is created within the
1014 Department of Law Enforcement.

1015 (2) The fund is established for use as a depository for

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1016 funds to be used for concealed weapons licensing and management
1017 activities that are departmentwide in nature and funded by
1018 indirect cost earnings or assessments against trust funds.
1019 Moneys to be credited to the trust fund include payments and
1020 fees received relating to concealed weapons licensing, indirect
1021 cost reimbursements from grantors, administrative assessments
1022 against trust funds, interest earnings, and other appropriate
1023 administrative fees.

1024 (3) Notwithstanding ~~the provisions of~~ s. 216.301 and
1025 pursuant to s. 216.351, any balance in the trust fund at the end
1026 of any fiscal year shall remain in the trust fund at the end of
1027 the year and shall be available for carrying out the purposes of
1028 the trust fund.

1029 Section 16. This act shall take effect January 1, 2020.