

1 A bill to be entitled
2 An act relating to concealed weapons or firearms
3 licensing; amending s. 790.06, F.S.; decreasing the
4 number of years that licenses to carry concealed
5 weapons or firearms are valid; specifying that
6 experience with a firearm through military service in
7 the Armed Forces of the United States meets the
8 requirement of demonstrating competence with a
9 firearm; reducing the maximum license fees that may be
10 charged; requiring that the full set of fingerprints
11 submitted as part of an application for a license be
12 retained by specified entities; requiring the
13 Department of Agriculture and Consumer Services to
14 bear the licensee's fingerprint retention fee;
15 revising the required notice by the department to
16 licensees before the expiration date of such licenses
17 to include electronic notice; requiring renewing
18 licensees to submit a full set of fingerprints and the
19 personal identifying information required by federal
20 law; requiring the department to bear the renewing
21 licensee's fingerprint retention fee; providing that
22 charges for fingerprint retention are not subject to a
23 certain sales tax; requiring a licensee, upon each
24 renewal, to provide proof of completion of a firearms
25 training or safety course or class; providing

26 requirements for such course or class; requiring
 27 certain instructors to maintain certain records for a
 28 specified timeframe; conforming provisions to changes
 29 made by the act; providing an effective date.

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

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33 Section 1. Subsections (1) and (2), paragraphs (b) and (c)
 34 of subsection (5), and subsection (11) of section 790.06,
 35 Florida Statutes, are amended to read:

36 790.06 License to carry concealed weapon or firearm.—

37 (1) The Department of Agriculture and Consumer Services is
 38 authorized to issue licenses to carry concealed weapons or
 39 concealed firearms to persons qualified as provided in this
 40 section. Each such license must bear a color photograph of the
 41 licensee. For the purposes of this section, concealed weapons or
 42 concealed firearms are defined as a handgun, electronic weapon
 43 or device, tear gas gun, knife, or billie, but the term does not
 44 include a machine gun as defined in s. 790.001(9). Such licenses
 45 shall be valid throughout the state for a period of 5 7 years
 46 from the date of issuance. Any person in compliance with the
 47 terms of such license may carry a concealed weapon or concealed
 48 firearm notwithstanding ~~the provisions of~~ s. 790.01. The
 49 licensee must carry the license, together with valid
 50 identification, at all times in which the licensee is in actual

51 possession of a concealed weapon or firearm and must display
52 both the license and proper identification upon demand by a law
53 enforcement officer. Violations of ~~the provisions of~~ this
54 subsection shall constitute a noncriminal violation with a
55 penalty of \$25, payable to the clerk of the court.

56 (2) The Department of Agriculture and Consumer Services
57 shall issue a license if the applicant:

58 (a) Is a resident of the United States and a citizen of
59 the United States or a permanent resident alien of the United
60 States, as determined by the United States Bureau of Citizenship
61 and Immigration Services, or is a consular security official of
62 a foreign government that maintains diplomatic relations and
63 treaties of commerce, friendship, and navigation with the United
64 States and is certified as such by the foreign government and by
65 the appropriate embassy in this country;

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

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

69 (d) Is not ineligible to possess a firearm pursuant to s.
70 790.23 by virtue of having been convicted of a felony;

71 (e) Has not been:

72 1. Found guilty of a crime under the provisions of chapter
73 893 or similar laws of any other state relating to controlled
74 substances within a 3-year period immediately preceding the date
75 on which the application is submitted; or

76 2. Committed for the abuse of a controlled substance under
 77 chapter 397 or under the provisions of former chapter 396 or
 78 similar laws of any other state. An applicant who has been
 79 granted relief from firearms disabilities pursuant to s.
 80 790.065(2)(a)4.d. or pursuant to the law of the state in which
 81 the commitment occurred is deemed not to be committed for the
 82 abuse of a controlled substance under this subparagraph;

83 (f) Does not chronically and habitually use alcoholic
 84 beverages or other substances to the extent that his or her
 85 normal faculties are impaired. It shall be presumed that an
 86 applicant chronically and habitually uses alcoholic beverages or
 87 other substances to the extent that his or her normal faculties
 88 are impaired if the applicant has been convicted under s.
 89 790.151 or has been deemed a habitual offender under s.
 90 856.011(3), or has had two or more convictions under s. 316.193
 91 or similar laws of any other state, within the 3-year period
 92 immediately preceding the date on which the application is
 93 submitted;

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

96 (h) Demonstrates competence with a firearm by any one of
 97 the following:

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

101 2. Completion of any National Rifle Association firearms
102 safety or training course;

103 3. Completion of any firearms safety or training course or
104 class available to the general public offered by a law
105 enforcement agency, junior college, college, or private or
106 public institution or organization or firearms training school,
107 using instructors certified by the National Rifle Association,
108 Criminal Justice Standards and Training Commission, or the
109 Department of Agriculture and Consumer Services;

110 4. Completion of any law enforcement firearms safety or
111 training course or class offered for security guards,
112 investigators, special deputies, or any division or subdivision
113 of a law enforcement agency or security enforcement;

114 5. Presents evidence of equivalent experience with a
115 firearm through participation in organized shooting competition
116 or military service in the Armed Forces of the United States;

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

120 7. Completion of any firearms training or safety course or
121 class conducted by a state-certified or National Rifle
122 Association certified firearms instructor;

123
124 A photocopy of a certificate of completion of any of the courses
125 or classes; an affidavit from the instructor, school, club,

126 organization, or group that conducted or taught such course or
127 class attesting to the completion of the course or class by the
128 applicant; or a copy of any document that shows completion of
129 the course or class or evidences participation in firearms
130 competition shall constitute evidence of qualification under
131 this paragraph. A person who conducts a course pursuant to
132 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
133 an instructor, attests to the completion of such courses, must
134 maintain records certifying that he or she observed the student
135 safely handle and discharge the firearm in his or her physical
136 presence and that the discharge of the firearm included live
137 fire using a firearm and ammunition as defined in s. 790.001;

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

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

150 (k) Has not had adjudication of guilt withheld or

151 imposition of sentence suspended on any felony unless 3 years
 152 have elapsed since probation or any other conditions set by the
 153 court have been fulfilled, or expunction has occurred;

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

159 (m) Has not been issued an injunction that is currently in
 160 force and effect and that restrains the applicant from
 161 committing acts of domestic violence or acts of repeat violence;
 162 and

163 (n) Is not prohibited from purchasing or possessing a
 164 firearm by any other provision of Florida or federal law.

165 (5) The applicant shall submit to the Department of
 166 Agriculture and Consumer Services or an approved tax collector
 167 pursuant to s. 790.0625:

168 (b) A nonrefundable license fee of up to \$39 ~~\$55~~ if he or
 169 she has not previously been issued a statewide license or of up
 170 to \$32 ~~\$45~~ for renewal of a statewide license. The cost of
 171 processing fingerprints as required in paragraph (c) shall be
 172 borne by the applicant. However, an individual holding an active
 173 certification from the Criminal Justice Standards and Training
 174 Commission as a law enforcement officer, correctional officer,
 175 or correctional probation officer as defined in s. 943.10(1),

176 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
177 requirements of this section. If such individual wishes to
178 receive a concealed weapon or firearm license, he or she is
179 exempt from the background investigation and all background
180 investigation fees but must pay the current license fees
181 regularly required to be paid by nonexempt applicants. Further,
182 a law enforcement officer, a correctional officer, or a
183 correctional probation officer as defined in s. 943.10(1), (2),
184 or (3) is exempt from the required fees and background
185 investigation for 1 year after his or her retirement.

186 (c) A full set of fingerprints of the applicant
187 administered by a law enforcement agency, ~~or~~ the Division of
188 Licensing of the Department of Agriculture and Consumer
189 Services, or an approved tax collector pursuant to s. 790.0625
190 together with any personal identifying information required by
191 federal law to process fingerprints. Fingerprints must be
192 retained by the Criminal Justice Information Program under s.
193 943.05(2)(b) and by the federal fingerprint retention program
194 under s. 943.05(4), once the program is in effect. The
195 Department of Agriculture and Consumer Services shall bear the
196 fingerprint retention fee for each license period at the time of
197 licensure in the amount established by the Department of Law
198 Enforcement in accordance with s. 943.05(2)(h)2. Charges for
199 fingerprint services under this paragraph are not subject to the
200 sales tax on fingerprint services imposed in s. 212.05(1)(i).

201 (11) (a) At least 90 days before the expiration date of the
202 license, the Department of Agriculture and Consumer Services
203 shall provide ~~mail to~~ each licensee ~~a written~~ notice of the
204 expiration electronically or in writing and the appropriate a
205 renewal form prescribed by the Department of Agriculture and
206 Consumer Services. The licensee must renew his or her license on
207 or before the expiration date by filing with the Department of
208 Agriculture and Consumer Services the renewal form containing an
209 affidavit submitted under oath and under penalty of perjury
210 stating that the licensee remains qualified pursuant to the
211 criteria specified in subsections (2) and (3), a color
212 photograph as specified in paragraph (5) (e), a full set of
213 fingerprints, and the required renewal fee. A renewing licensee
214 whose fingerprints are not currently retained by the Criminal
215 Justice Information Program under s. 943.05(2) (b) shall submit a
216 full set of fingerprints administered by a law enforcement
217 agency, the Division of Licensing of the Department of
218 Agriculture and Consumer Services, or an approved tax collector
219 pursuant to s. 790.0625 and any personal identifying information
220 required by federal law. The Department of Agriculture and
221 Consumer Services shall bear the fingerprint retention fee for
222 each renewal license period at the time of licensure in the
223 amount established by the Department of Law Enforcement in
224 accordance with s. 943.05(2) (h)2, even if the renewing
225 licensee's fingerprints are currently being retained. Charges

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226 for fingerprint retention under this paragraph are not subject
227 to the sales tax on fingerprint services imposed under s.
228 212.05(1)(i) Out-of-state residents must also submit a complete
229 set of fingerprints and fingerprint processing fee. The license
230 shall be renewed upon receipt of the completed renewal form,
231 color photograph, fingerprints, and appropriate payment of fees,
232 ~~and, if applicable, fingerprints.~~ Additionally, A licensee who
233 fails to file a complete renewal application on or before its
234 expiration date must renew his or her license by paying a late
235 fee of \$15. A license may not be renewed 180 days or more after
236 its expiration date, and such a license is deemed to be
237 permanently expired. A person whose license has been permanently
238 expired may reapply for licensure; however, an application for
239 licensure and fees under subsection (5) must be submitted, and a
240 background investigation shall be conducted pursuant to this
241 section. A person who knowingly files false information under
242 this subsection is subject to criminal prosecution under s.
243 837.06.

244 (b)1. Upon each license renewal, a licensee must provide
245 the department with proof of completion of a firearms training
246 or safety course or class of at least 8 hours in length taught
247 by a state, county, or municipal law enforcement agency or a
248 nationally recognized organization that promotes gun safety. The
249 firearms training or safety course or class must occur in the 6
250 months immediately before the license expiration date and must

251 include all of the following:

252 a. Information on the statutory and case law of this state
253 relating to handguns and to the use of deadly force.

254 b. Information on handgun use and safety.

255 c. Information on the proper storage practices for
256 handguns, with an emphasis on storage practices that reduce the
257 possibility of accidental injury to a child.

258 d. The licensee's safe handling and firing of a handgun in
259 the instructor's presence with ammunition as defined in s.
260 790.001(19).

261 2. A photocopy of a certificate of completion with an
262 affidavit from the instructor who conducted or taught the
263 firearms training or safety course or class attesting to the
264 completion of the course or class by the renewing licensee and
265 to the number of hours of the firearms training or safety course
266 or class is sufficient evidence of qualification under this
267 paragraph. An instructor who conducts or teaches a firearms
268 training or safety course or class and attests to its completion
269 shall maintain records for at least 10 years certifying that all
270 hours and training components required under subparagraph 1.
271 were met.

272 (c) ~~(b)~~ A license issued to a servicemember, as defined in
273 s. 250.01, is subject to paragraph (a); however, such a license
274 does not expire while the servicemember is serving on military
275 orders that have taken him or her over 35 miles from his or her

276 residence and shall be extended, as provided in this paragraph,
277 for up to 180 days after his or her return to such residence. If
278 the license renewal requirements in paragraph (a) are met within
279 the 180-day extension period, the servicemember may not be
280 charged any additional costs, such as, but not limited to, late
281 fees or delinquency fees, above the normal license fees. The
282 servicemember must present to the Department of Agriculture and
283 Consumer Services a copy of his or her official military orders
284 or a written verification from the member's commanding officer
285 before the end of the 180-day period in order to qualify for the
286 extension.

287 Section 2. This act shall take effect July 1, 2021.