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CS/CS/HB 523

2014 Legislature

1  
2 An act relating to licensure to carry a concealed  
3 weapon or firearm; amending s. 790.06, F.S.;  
4 authorizing an applicant for a license to carry a  
5 concealed weapon or firearm to submit the application  
6 to an appointed tax collector; creating s. 790.0625,  
7 F.S.; defining terms; authorizing the Department of  
8 Agriculture and Consumer Services to appoint tax  
9 collectors to accept applications for new or renewal  
10 licenses to carry a concealed weapon or firearm on  
11 behalf of the Division of Licensing of the Department  
12 of Agriculture and Consumer Services; requiring a tax  
13 collector seeking appointment to submit a written  
14 request to the division; providing requirements for  
15 the request; requiring the division and an appointed  
16 tax collector to enter into a memorandum of  
17 understanding; authorizing the department or the  
18 division to rescind a memorandum of understanding at  
19 any time; providing that certain personal identifying  
20 information of applicants for licensure is  
21 confidential and exempt; establishing license fees for  
22 new and renewal applications; requiring an appointed  
23 tax collector to remit fees to the department;  
24 prohibiting a tax collector from maintaining a list or  
25 record of concealed weapon or firearm licensees or  
26 applicants; prohibiting a person from processing a

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27 |       concealed weapon or firearm application for a fee or  
 28 |       compensation unless he or she has been appointed by  
 29 |       the department to do so; providing for criminal  
 30 |       penalties; providing an appropriation and authorizing  
 31 |       positions; providing an effective date.

32 |  
 33 | Be It Enacted by the Legislature of the State of Florida:

34 |  
 35 |       Section 1. Subsection (5) of section 790.06, Florida  
 36 | Statutes, is amended to read:

37 |       790.06 License to carry concealed weapon or firearm.—

38 |       (5) The applicant shall submit to the Department of  
 39 | Agriculture and Consumer Services or an approved tax collector  
 40 | pursuant to s. 790.0625:

41 |       (a) A completed application as described in subsection  
 42 | (4).

43 |       (b) A nonrefundable license fee of up ~~not to exceed~~ \$70,  
 44 | if he or she has not previously been issued a statewide license,  
 45 | or of up ~~a nonrefundable license fee not to exceed~~ \$60 for  
 46 | renewal of a statewide license. The cost of ~~Costs for~~ processing  
 47 | ~~the set of~~ fingerprints as required in paragraph (c) shall be  
 48 | borne by the applicant. However, an individual holding an active  
 49 | certification from the Criminal Justice Standards and Training  
 50 | Commission as a "law enforcement officer," "correctional  
 51 | officer," or "correctional probation officer" as defined in s.  
 52 | 943.10(1), (2), (3), (6), (7), (8), or (9) is exempt from the

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53 licensing requirements of this section. If such ~~any~~ individual  
 54 ~~holding an active certification from the Criminal Justice~~  
 55 ~~Standards and Training Commission as a "law enforcement~~  
 56 ~~officer," a "correctional officer," or a "correctional probation~~  
 57 ~~officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or~~  
 58 ~~(9)~~ wishes to receive a concealed weapons or firearms license,  
 59 he or she ~~such person~~ is exempt from the background  
 60 investigation and all background investigation fees, but must  
 61 ~~shall~~ pay the current license fees regularly required to be paid  
 62 by nonexempt applicants. Further, a law enforcement officer, a  
 63 correctional officer, or a correctional probation officer as  
 64 defined in s. 943.10(1), (2), or (3) is exempt from the required  
 65 fees and background investigation for a period of 1 year after  
 66 his or her ~~subsequent to the date of retirement of said officer~~  
 67 ~~as a law enforcement officer, a correctional officer, or a~~  
 68 ~~correctional probation officer.~~

69 (c) A full set of fingerprints of the applicant  
 70 administered by a law enforcement agency or the Division of  
 71 Licensing of the Department of Agriculture and Consumer Services  
 72 or an approved tax collector pursuant to s. 790.0625.

73 (d) A photocopy of a certificate, or an affidavit, or  
 74 document as described in paragraph (2)(h).

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

78 Section 2. Section 790.0625, Florida Statutes, is created

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79 | to read:

80 |       790.0625 Appointment of tax collectors to accept  
 81 | applications for a concealed weapon or firearm license; fees;  
 82 | penalties.-

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

84 |       (a) "Department" means the Department of Agriculture and  
 85 | Consumer Services.

86 |       (b) "Division" means the Division of Licensing of the  
 87 | Department of Agriculture and Consumer Services.

88 |       (2) The department, at its discretion, may appoint tax  
 89 | collectors, as defined in s. 1(d) of Art. VIII of the State  
 90 | Constitution, to accept applications on behalf of the division  
 91 | for concealed weapon or firearm licenses. Such appointment shall  
 92 | be for specified locations that will best serve the public  
 93 | interest and convenience in applying for these licenses.

94 |       (3) A tax collector seeking to be appointed to accept  
 95 | applications for new or renewal concealed weapon or firearm  
 96 | licenses must submit a written request to the division stating  
 97 | his or her name, address, telephone number, each location within  
 98 | the county at which the tax collector wishes to accept  
 99 | applications, and other information as required by the division.

100 |       (a) Upon receipt of a written request, the division shall  
 101 | review it and at its discretion may decline to enter into a  
 102 | memorandum of understanding or, if approved, enter into a  
 103 | memorandum of understanding with the tax collector to accept  
 104 | applications for new or renewal concealed weapon or firearm

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105 licenses on behalf of the department.

106 (b) The department or the division may rescind a  
 107 memorandum of understanding for any reason at any time.

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

112 (5) A tax collector appointed under this section may  
 113 collect and retain a convenience fee of \$22 for each new  
 114 application and \$12 for each renewal application and shall remit  
 115 weekly to the department the license fees pursuant to s. 790.06  
 116 for deposit in the Division of Licensing Trust Fund.

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

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

124 (7) A person who willfully violates this section commits a  
 125 misdemeanor of the second degree, punishable as provided in s.  
 126 775.082 or s. 775.083.

127 Section 3. For the 2014-2015 fiscal year, the sums of  
 128 \$736,608 in recurring and \$105,503 in nonrecurring funds from  
 129 the Division of Licensing Trust Fund are appropriated to the  
 130 Department of Agriculture and Consumer Services, and 11 full-

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131 | time equivalent positions with associated salary rate of 295,751  
132 | are authorized, for the purpose of implementing this act.

133 |       Section 4. This act shall take effect July 1, 2014.