

By Senator Braynon

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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; requiring that the full set of fingerprints  
10          submitted as part of an application for a license be  
11          retained by specified entities; requiring the  
12          Department of Agriculture and Consumer Services to  
13          bear the licensee's fingerprint retention fee;  
14          revising the required notice by the department to  
15          licensees before the expiration date of such licenses  
16          to include electronic notice; requiring renewing  
17          licensees to submit a full set of fingerprints and the  
18          personal identifying information required by federal  
19          law; requiring the department to bear the renewing  
20          licensee's fingerprint retention fee; providing that  
21          charges for fingerprint retention are not subject to a  
22          certain sales tax; requiring a licensee, upon each  
23          renewal, to provide proof of completion of a firearms  
24          training or safety course or class; requiring  
25          instructors to maintain certain records for a  
26          specified timeframe; conforming provisions to changes  
27          made by the act; providing an effective date.

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

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Section 1. Subsections (1) and (2), paragraph (c) of subsection (5), and subsection (11) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or firearm.—

(1) The Department of Agriculture and Consumer Services is authorized to issue licenses to carry concealed weapons or concealed firearms to persons qualified as provided in this section. Each such license must bear a color photograph of the licensee. For the purposes of this section, concealed weapons or concealed firearms are defined as a handgun, electronic weapon or device, tear gas gun, knife, or billie, but the term does not include a machine gun as defined in s. 790.001(9). Such licenses shall be valid throughout the state for a period of 5 7 years from the date of issuance. Any person in compliance with the terms of such license may carry a concealed weapon or concealed firearm notwithstanding the provisions of s. 790.01. The licensee must carry the license, together with valid identification, at all times in which the licensee is in actual possession of a concealed weapon or firearm and must display both the license and proper identification upon demand by a law enforcement officer. Violations of the provisions of this subsection shall constitute a noncriminal violation with a penalty of \$25, payable to the clerk of the court.

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

(a) Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship

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59 and Immigration Services, or is a consular security official of  
60 a foreign government that maintains diplomatic relations and  
61 treaties of commerce, friendship, and navigation with the United  
62 States and is certified as such by the foreign government and by  
63 the appropriate embassy in this country;

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

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

67 (d) Is not ineligible to possess a firearm pursuant to s.  
68 790.23 by virtue of having been convicted of a felony;

69 (e) Has not been:

70 1. Found guilty of a crime under the provisions of chapter  
71 893 or similar laws of any other state relating to controlled  
72 substances within a 3-year period immediately preceding the date  
73 on which the application is submitted; or

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

81 (f) Does not chronically and habitually use alcoholic  
82 beverages or other substances to the extent that his or her  
83 normal faculties are impaired. It shall be presumed that an  
84 applicant chronically and habitually uses alcoholic beverages or  
85 other substances to the extent that his or her normal faculties  
86 are impaired if the applicant has been convicted under s.  
87 790.151 or has been deemed a habitual offender under s.

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88 856.011(3), or has had two or more convictions under s. 316.193  
89 or similar laws of any other state, within the 3-year period  
90 immediately preceding the date on which the application is  
91 submitted;

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

94 (h) Demonstrates competence with a firearm by any one of  
95 the following:

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

99 2. Completion of any National Rifle Association firearms  
100 safety or training course;

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

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

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

115 6. Is licensed or has been licensed to carry a firearm in  
116 this state or a county or municipality of this state, unless

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117 such license has been revoked for cause; or

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

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

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

142 (j) Has not been committed to a mental institution under  
143 chapter 394, or similar laws of any other state. An applicant  
144 who has been granted relief from firearms disabilities pursuant  
145 to s. 790.065(2)(a)4.d. or pursuant to the law of the state in

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146 which the commitment occurred is deemed not to have been  
147 committed in a mental institution under this paragraph;

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

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

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

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

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

166 (c) A full set of fingerprints of the applicant  
167 administered by a law enforcement agency, ~~or~~ the Division of  
168 Licensing of the Department of Agriculture and Consumer  
169 Services, or an approved tax collector pursuant to s. 790.0625  
170 together with any personal identifying information required by  
171 federal law to process fingerprints. Fingerprints must be  
172 retained by the Criminal Justice Information Program under s.  
173 943.05(2)(b) and by the federal fingerprint retention program  
174 under s. 943.05(4), once the program is in effect. The

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175 department shall bear the fingerprint retention fee for each  
176 license period at the time of licensure in the amount  
177 established by the Department of Law Enforcement in accordance  
178 with s. 943.05(2)(h)2. Charges for fingerprint services under  
179 this paragraph are not subject to the sales tax on fingerprint  
180 services imposed in s. 212.05(1)(i).

181 (11)(a) At least 90 days before the expiration date of the  
182 license, the Department of Agriculture and Consumer Services  
183 shall provide ~~mail to~~ each licensee ~~a written~~ notice of the  
184 expiration electronically or in writing and the appropriate a  
185 renewal form prescribed by the department of Agriculture and  
186 Consumer Services. The licensee must renew his or her license on  
187 or before the expiration date by filing with the department ~~of~~  
188 ~~Agriculture and Consumer Services~~ the renewal form containing an  
189 affidavit submitted under oath and under penalty of perjury  
190 stating that the licensee remains qualified pursuant to the  
191 criteria specified in subsections (2) and (3), a color  
192 photograph as specified in paragraph (5)(e), a complete set of  
193 fingerprints, and the required renewal fee. A renewing licensee  
194 whose fingerprints are not currently retained by the Criminal  
195 Justice Information Program under s. 943.05(2)(b) shall submit a  
196 full set of fingerprints administered by a law enforcement  
197 agency, the Division of Licensing of the Department of  
198 Agriculture and Consumer Services, or an approved tax collector  
199 pursuant to s. 790.0625 and any personal identifying information  
200 required by federal law. The department shall bear the  
201 fingerprint retention fee for each renewal license period at the  
202 time of licensure in the amount established by the Department of  
203 Law Enforcement in accordance with s. 943.05(2)(h)2, even if the

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204 renewing licensee's fingerprints are currently being retained.  
205 Charges for fingerprint retention services under this paragraph  
206 are not subject to the sales tax on fingerprint services imposed  
207 under s. 212.05(1)(i) ~~Out-of-state residents must also submit a~~  
208 ~~complete set of fingerprints and fingerprint processing fee.~~ The  
209 license shall be renewed upon receipt of the completed renewal  
210 form, color photograph, fingerprints, and appropriate payment of  
211 fees, ~~and, if applicable, fingerprints.~~ Additionally, A licensee  
212 who fails to file a complete renewal application on or before  
213 its expiration date must renew his or her license by paying a  
214 late fee of \$15. A license may not be renewed 180 days or more  
215 after its expiration date, and such a license is deemed to be  
216 permanently expired. A person whose license has been permanently  
217 expired may reapply for licensure; however, an application for  
218 licensure and fees under subsection (5) must be submitted, and a  
219 background investigation shall be conducted pursuant to this  
220 section. A person who knowingly files false information under  
221 this subsection is subject to criminal prosecution under s.  
222 837.06.

223 (b)1. Upon each renewal, a licensee must provide proof of  
224 completion of a firearms training or safety course or class at  
225 least 8 hours in length taught by a state, county, or municipal  
226 law enforcement agency or a nationally recognized organization  
227 that promotes gun safety. The firearms training or safety course  
228 or class must occur 6 months immediately before the license  
229 expiration date and must include all of the following:

230 a. Information on the statutory and case law of this state  
231 relating to handguns and to the use of deadly force;

232 b. Information on handgun use and safety;



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233 c. Information on the proper storage practices for  
234 handguns, with an emphasis on storage practices that reduce the  
235 possibility of accidental injury to a child; and

236 d. The licensee's safe handling and firing of a handgun in  
237 the instructor's presence with ammunition as defined in s.  
238 790.001.

239 2. A photocopy of a certificate of completion with an  
240 affidavit from the instructor who conducted or taught the  
241 firearms training or safety course or class attesting to the  
242 completion of the course or class by the renewing licensee and  
243 to the number of hours of the firearms training or safety course  
244 or class is sufficient evidence of qualification under this  
245 paragraph. An instructor who conducts or teaches a firearms  
246 training or safety course or class and attests to its completion  
247 shall maintain records for 10 years certifying that all hours  
248 and training components required under subparagraph 1. were met.

249 (c) ~~(b)~~ A license issued to a servicemember, as defined in  
250 s. 250.01, is subject to paragraph (a); however, such a license  
251 does not expire while the servicemember is serving on military  
252 orders that have taken him or her over 35 miles from his or her  
253 residence and shall be extended, as provided in this paragraph,  
254 for up to 180 days after his or her return to such residence. If  
255 the license renewal requirements in paragraph (a) are met within  
256 the 180-day extension period, the servicemember may not be  
257 charged any additional costs, such as, but not limited to, late  
258 fees or delinquency fees, above the normal license fees. The  
259 servicemember must present to the Department of Agriculture and  
260 Consumer Services a copy of his or her official military orders  
261 or a written verification from the member's commanding officer

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262 before the end of the 180-day period in order to qualify for the  
263 extension.

264 Section 2. This act shall take effect July 1, 2020.